



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA April 23, 2014

Tom Baker Meeting Room

5:00 p.m.

City-County Building

Item No.

Page

PRESENTATION

1. Presentation on the 2014 Fringe Area Road Master Plan Update – Bill Troe, SRF Consulting

MINUTES

2. Consider approval of the minutes of the March 26, 2014 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

3. **Fernwood Second Subdivision (JW)**

Hay Creek Township

- a. Zoning Change (A to RR) 1

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ table ☐ deny

- b. Preliminary Plat 5

Staff recommendation: tentative approval ☐ tentative approval ☐ table ☐ deny

4. **Lots 1-9, Block 1; Lots 1 & 9, Block 2; and Lot 25, Block 3, North Hills 17th Addition – Zoning Change (R5 to R10) (JT)** 11

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ table ☐ deny



5. **All of Lots 1 & 2 and parts of Lots 3, 6 & 7, Block 6, Western Hills –**
 Zoning Change (RR to R5) (Klee) 15
Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny
6. **Part of the W½ of the SW¼ of Section 10, T139N-R80W/Hay Creek Township –**
 Zoning Change (A to RR) (Klee) 19
Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny
7. **Floodplain District Regulations – Zoning Ordinance Text Amendment (JW) 23**
Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

8. **Daybreak Addition (JT)**
 - a. **Annexation**25
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
 - b. **Zoning Change (A to CG)**27
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
 - c. **Final Plat**..... 31
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
9. **East Divide Industrial Park Addition (JT)**
 - a. **Annexation (part)**.....37
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
 - b. **Zoning Change (A & MA to MA)**41
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
 - c. **Final Plat**..... 45
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
10. **Southland 2nd Addition (Klee)**
 - a. **Annexation (part)**..... 53
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
 - b. **Zoning Change (R5, RM15 & P to R5, R10, RM15 & P)**..... 59
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
 - c. **Final Plat**..... 63
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

11. Sattler's Sunrise 10th Addition (Klee)	
a. Annexation	67
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Zoning Change (A to R5)	69
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
c. Final Plat.....	73
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
12. University of Mary Subdivision (Klee)	
a. Zoning Change (A & RR to P)	81
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Final Plat.....	85
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
13. Sara's Subdivision – Final Plat (JW).....	95
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
14. Lots 2-4, Block 4 and Lot 2, Block 5, Huber Real Estate Trust First Addition – Zoning Change (R5 to R10) (JT)	101
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
15. Landscaping & Screening – Zoning Ordinance Text Amendment (JT).....	105
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
16. Off-site Parking Lots – Zoning Ordinance Text Amendment (Klee).....	111
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny

OTHER BUSINESS

17. **Urban Service Area Boundary Modification**
18. **Update on City Commission Action – Growth Management Plan Update**
19. **Other**

ADJOURNMENT

20. **Adjourn.** The next regular meeting date is scheduled for Wednesday, May 28, 2014.

Enclosures: Meeting Minutes of March 26, 2014
 Building Permit Activity Report for March 2014

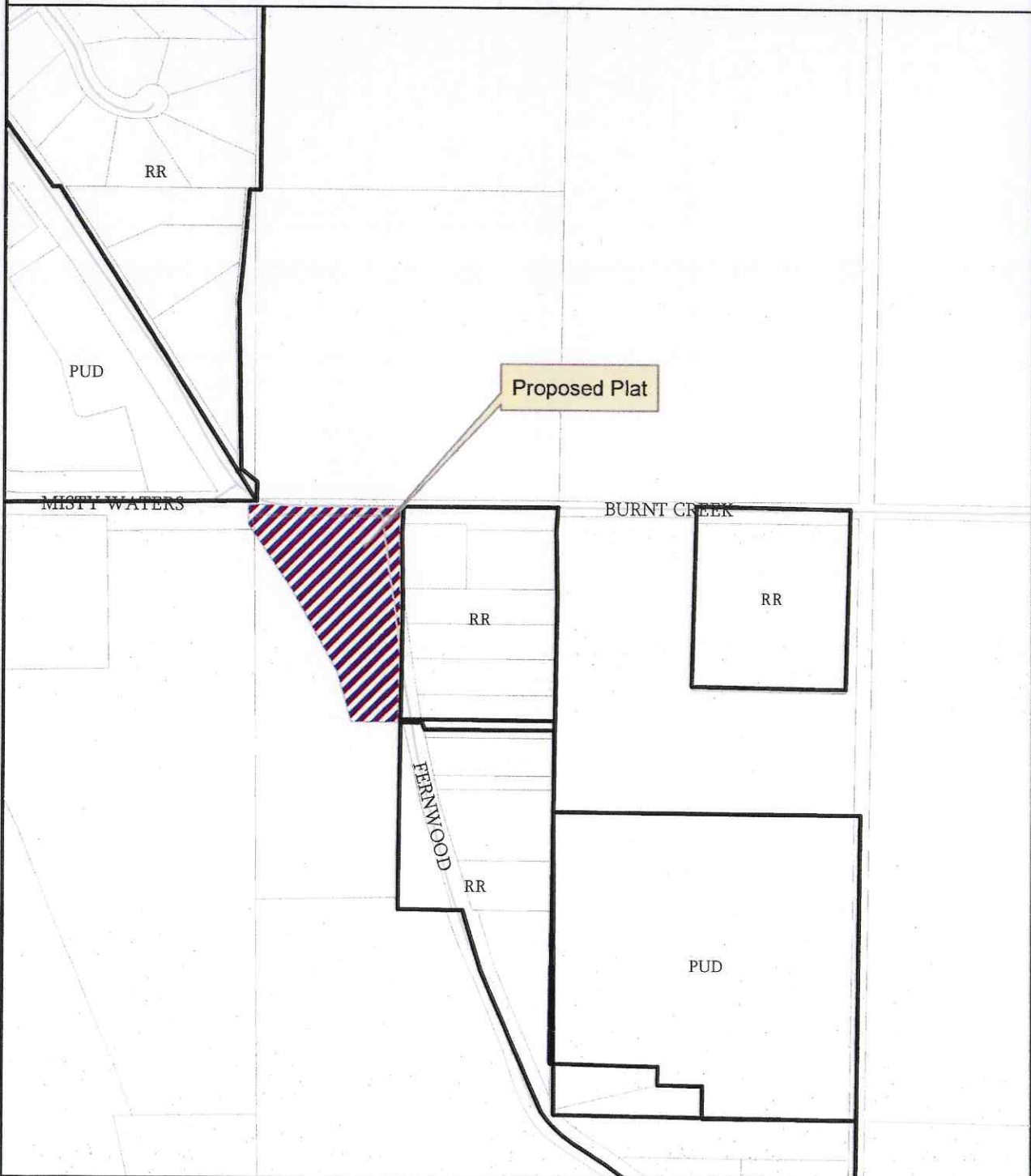
**BISMARCK COMMUNITY & DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Fernwood 2 nd Subdivision – Zoning Change (A to RR)	
Status: Planning Commission – Consideration	Date: April 23, 2014
Owner(s): Marlys Ward	Engineer: Swenson, Hagen & Company
Reason for Request: Plat and zone property to allow development of a single-family rural residential subdivision.	
Location: Northwest of Bismarck, along the west side of Fernwood Drive and the south side of Burnt Creek Loop (part of the NE 1/4 of Section 14, T139N-R80W/ Hay Creek Township).	
Project Size: 9.0 acres	Number of Lots: 3 lots in 1 block
EXISTING CONDITIONS:	
Land Use: Rural residential and Agriculture	PROPOSED CONDITIONS:
Zoning: A – Agriculture	Land Use: Rural Residential
Uses Allowed: Agriculture	Zoning: RR – Residential
Maximum Density Allowed: One unit/40 acres	Uses Allowed: Rural residential & limited agriculture
Maximum Density Allowed: One unit/65,000 square feet	
PROPERTY HISTORY:	
Zoned: N/A	Platted: N/A
FINDINGS:	
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the current Land Use Plan, which identifies the long range use of this area as Urban Residential (Bismarck-Mandan Regional Future Land Use Plan). The proposed zoning change would also be consistent with the Future Land Use Plan (FLUP) in the draft Growth Management Plan Update which identifies the future use of this area as rural residential. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include rural residential to the east, rural residential and agriculture to the south, agriculture to the west and north, and rural residential and a partially developed PUD-Planned Unit Development zoned property (Misty Waters) to the northwest. 3. The subdivision proposed for this property would be served by South Central Regional Water District and would have direct access to Fernwood Drive; therefore the proposed zoning change would not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 	

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for of the zoning change from the A-Agricultural zoning district to the RR-Residential zoning district for Fernwood 2nd Subdivision.

Proposed Plat & Zoning Change (A to RR) Fernwood Second Subdivision



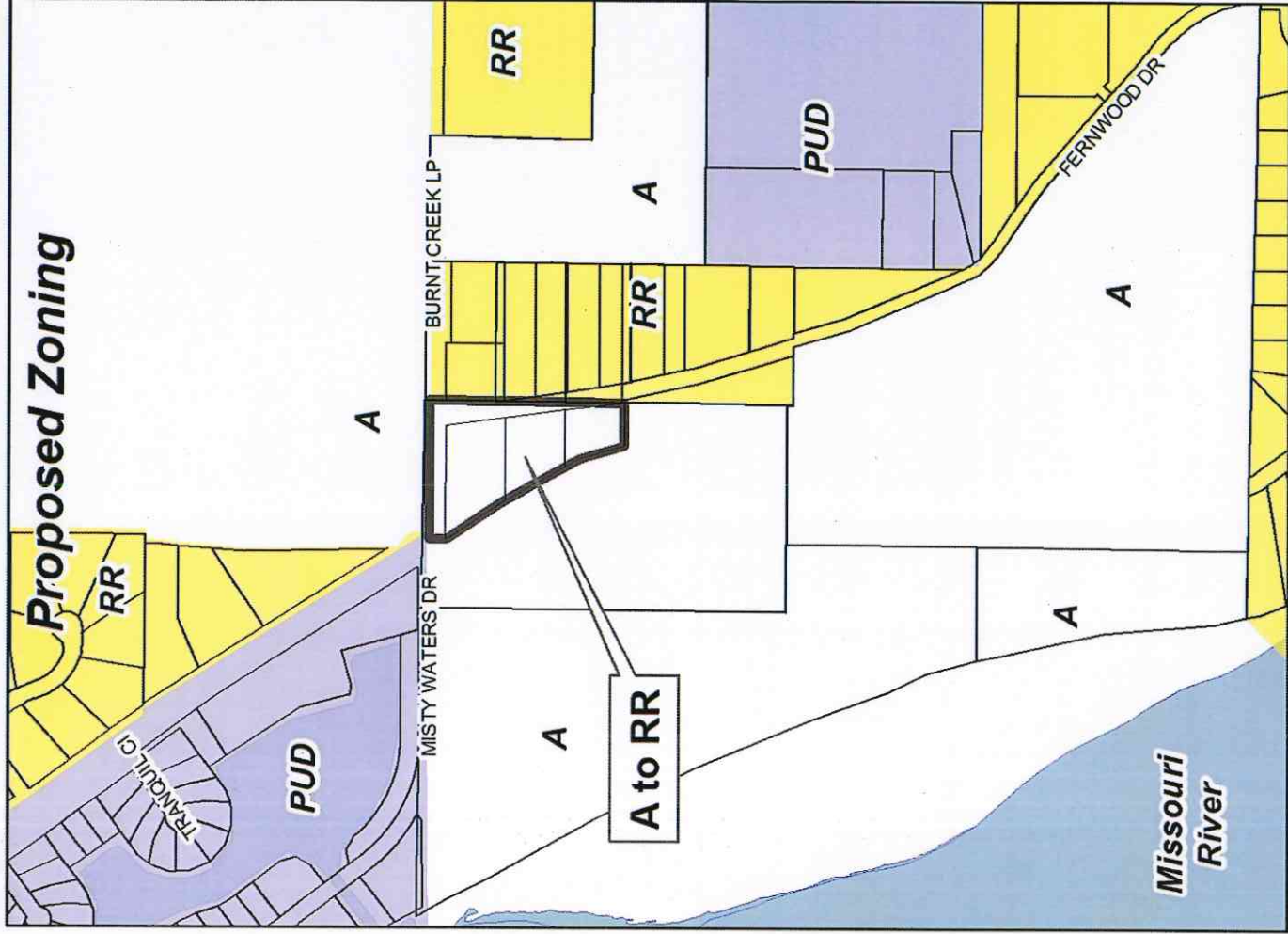
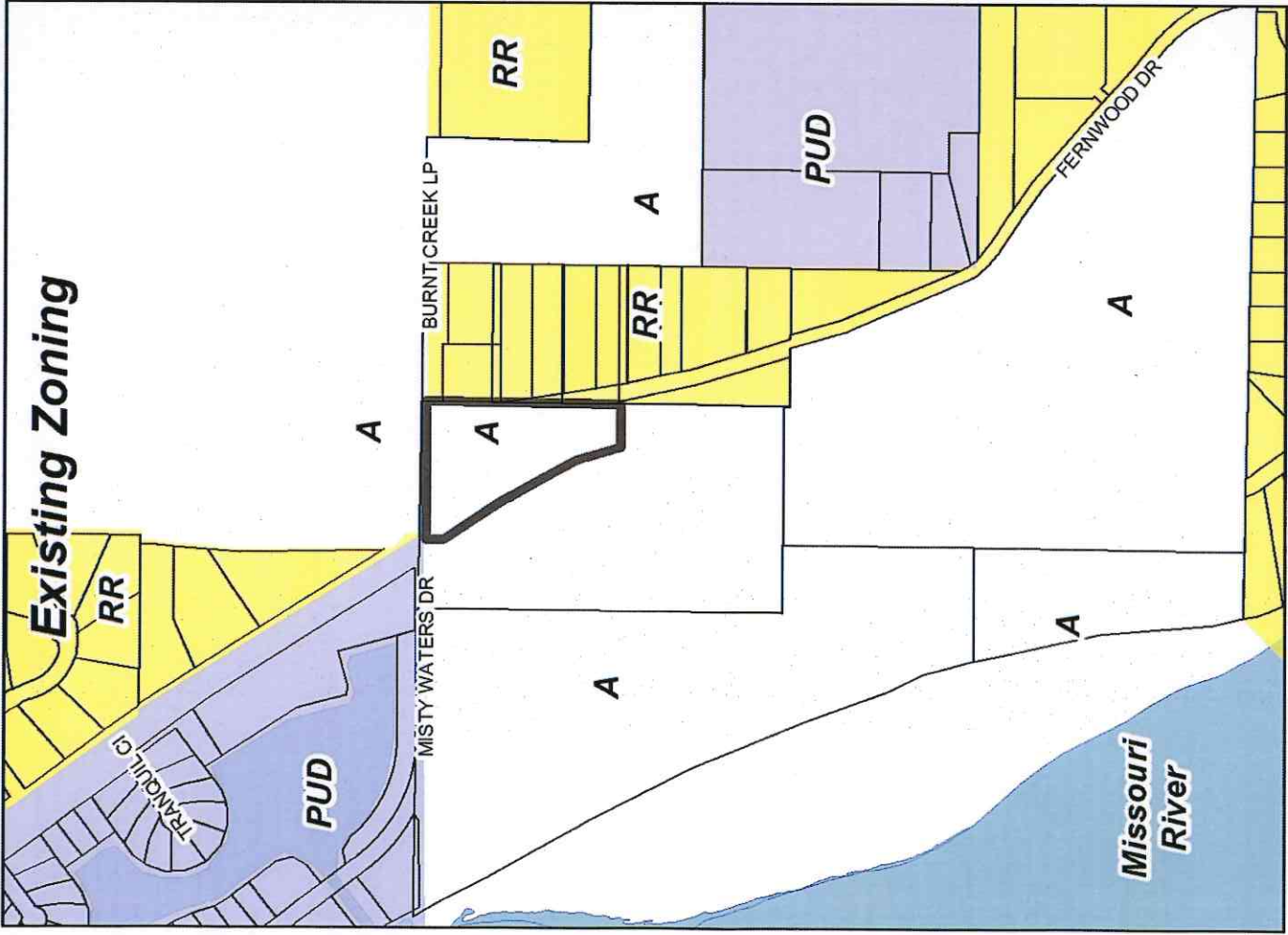
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/14/2014 (hlb)

Source: City of Bismarck

0 550 1,100 Feet



Fernwood 2nd Subdivision - Zoning Change



April 2014

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Fernwood 2 nd Subdivision – Preliminary Plat	
Status: Planning Commission – Consideration	Date: April 23, 2014
Owner(s): Marlys Ward	Engineer: Swenson, Hagen & Company
Reason for Request: Plat and zone property to allow development of a single-family rural residential subdivision..	
Location: Northwest of Bismarck, along the west side if Fernwood Drive and the south side of Burnt Creek Loop. (part of the NE 1/4 of Section 14, T139N-R80W/ Hay Creek Township).	
Project Size: 9.0 acres	Number of Lots: 3 lots in 1 block
EXISTING CONDITIONS:	
Land Use: Rural residential and Agriculture	Land Use: Rural residential
Zoning: A – Agriculture	Zoning: RR – Residential
Uses Allowed: Agriculture	Uses Allowed: Rural residential & limited agriculture
Maximum Density Allowed: One unit per 40 acres	Maximum Density Allowed: One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: N/A	Platted: N/A
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. The Hay Creek Board of Township Supervisors has requested that a shared access be placed between Lots 2 and 3, Block 1 of the proposed subdivision to reduce the number of access points onto Fernwood Drive, which is an arterial roadway and to be consistent with the required shared access points on Fernwood Subdivision. 	
FINDINGS:	
<ol style="list-style-type: none"> 1. All technical requirements for consideration of a preliminary plat have been met. 2. The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies both Fernwood Drive and Burnt Creek Loop as arterial roadways. 3. The proposed subdivision would be compatible with adjacent land uses Adjacent land uses include rural residential to the east, rural residential and agriculture to the south, agriculture to the west and north, and rural residential and a partially developed PUD-Planned Unit Development zoned property (Misty Waters) to the northwest. 4. The subdivision proposed for this property would be served by South Central Regional Water District and would have direct access to Fernwood Drive; therefore the proposed zoning change would not place an undue burden on public services. 	

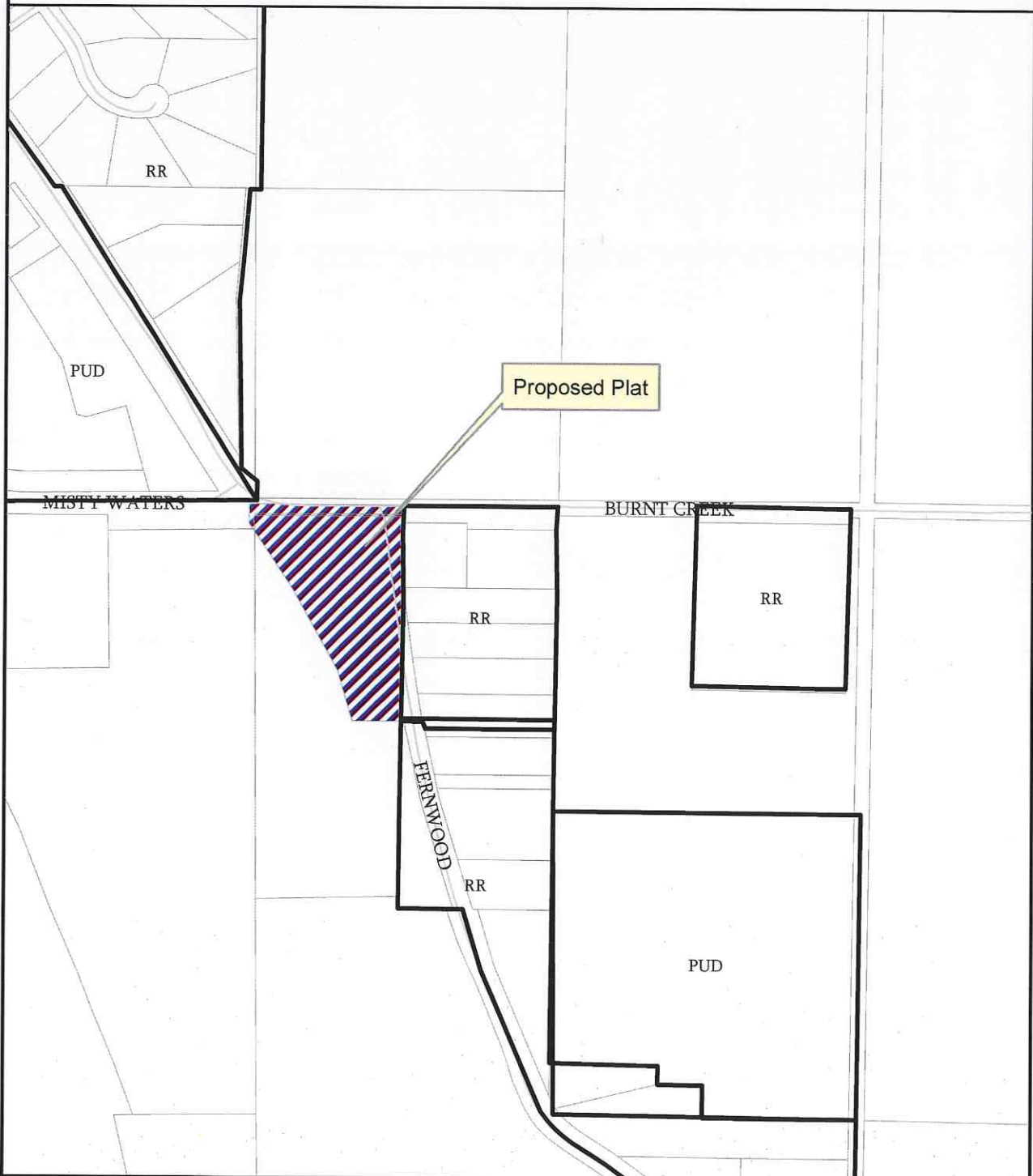
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for Fernwood Second Subdivision with the following condition:

1. A shared access be placed between the proposed Lots 2 and 3, Block 1 to reduce the number of access points onto Fernwood Drive.

Proposed Plat & Zoning Change (A to RR) Fernwood Second Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/14/2014 (hlb)

Source: City of Bismarck

0 550 1,100 Feet



FERNWOOD SECOND SUBDIVISION

PART OF THE NORTHEAST 1/4
OF SECTION 14, T. 139 N., R. 81 W.

BISMARCK, NORTH DAKOTA

RECEIVED
APR - 9 2014

UNPLATTED
OWNER: LUCINDA WARD
201 S MAIN ST., STE. 200
MINOT, ND 58701
ZONED: A



SCALE - 1"=60'

0 30 60 90

APRIL 9, 2014

NAVD 88

OWNER:
MARLYS WARD
5550 FERNWOOD DR
BISMARCK, ND 58503
701-258-6794

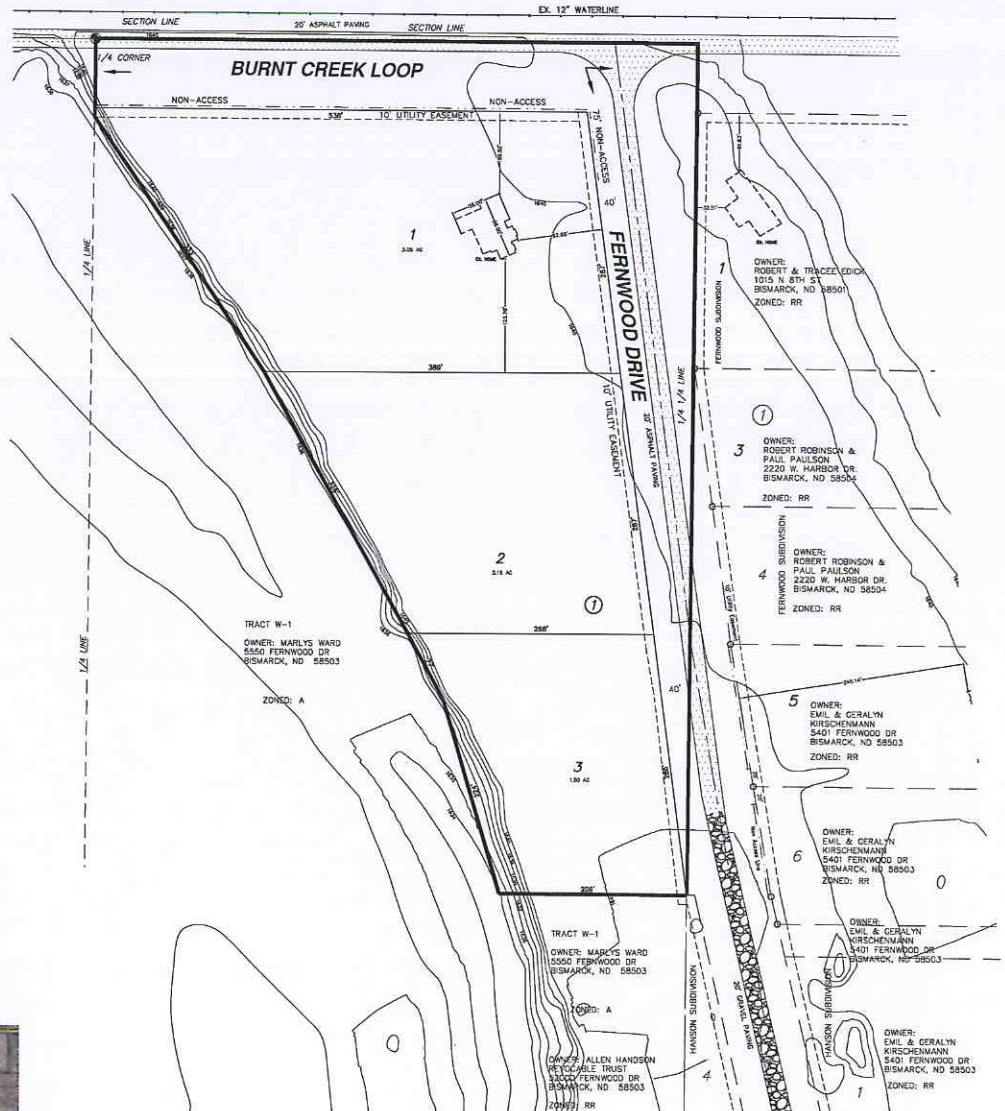
9.0 ACRES
EXISTING ZONING: A
PROPOSED ZONING: RR
3 LOTS

FLOOD PLAIN:
FIRM MAP NUMBER 38015007800
100 YEAR FLOOD PLAIN ELEVATION: 1540 (NAVD 88)
FERNWOOD SECOND SUBDIVISION PLAT LIES ENTIRELY IN THE 100 YEAR FLOOD PLAIN

PROJECT LOCATION



LOCATION MAP




RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE
PROPOSED PLAT AND ZONING CHANGE OF FERNWOOD SECOND
SUBDIVISION AND HEREBY RECOMMEND TO THE BOARD OF CITY
COMMISSIONERS THAT SAID PLAT AND ZONING CHANGE BE
Conditional
APPROVED (DENIED). (PLEASE ATTACH CONDITIONS, IF ANY, TO THE
BOARD'S ACTION.)

IF THE TOWNSHIP IS RECOMMENDING DENIAL, PLEASE LIST THE REASONS:

- A) Only 3 points of access from the Subdivision along
B) Subdivision must pave that portion of Fernwood Drive that serves the Subdivision - at the developers cost.

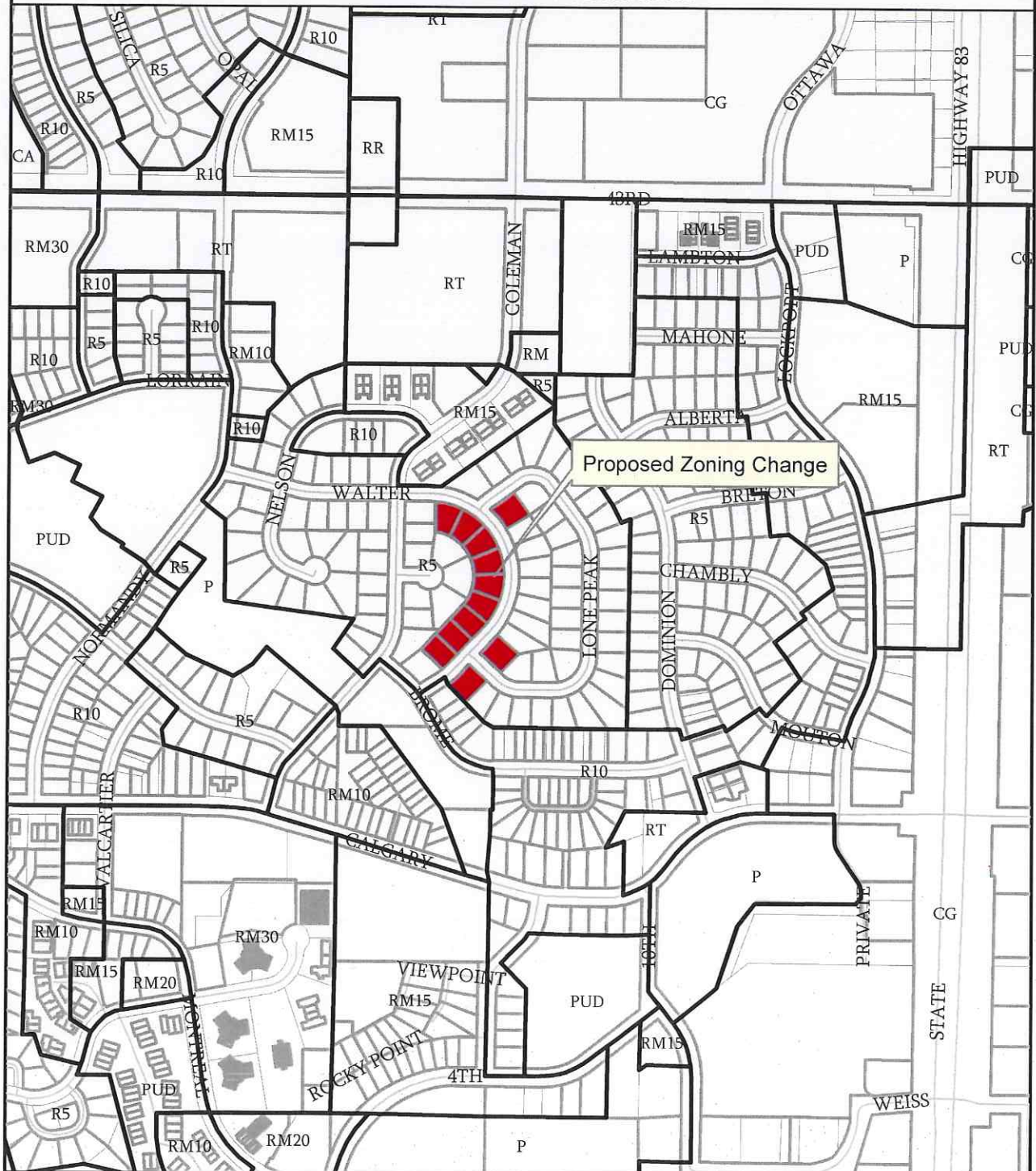

CHAIRMAN, TOWNSHIP BOARD


ATTEST: TOWNSHIP CLERK

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 1-9, Block 1, Lots 1 & 9, Block 2 and Lot 25, Block 3 North Hills 17 th Addition – Zoning Change (R5 to R10)		
Status: Planning Commission – Consideration	Date: April 23, 2014	
Owner(s): The Coleman Group, Inc.	Engineer: N/A	
Reason for Request: Rezone the properties to allow single and two-family residential uses.		
Location: East of Coleman Street between 43 rd Avenue and Calgary Avenue.		
Project Size: 5.44 acres	Number of Lots: 12 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential	Land Use: Single and two-family residential	
	Zoning: R10 – Residential	
Uses Allowed: R5 – Single-family residential	Uses Allowed: R10 – Single and two-family residential	
Maximum Density Allowed: R5 – 5 units per acre	Maximum Density Allowed: R10 – 10 units per acre	
PROPERTY HISTORY:		
Zoned: 07/2013	Platted: 07/2013	Annexed: 07/2007 & 07/2013
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is outside the boundaries of the Land Use Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single and two-family residential to the south; partially developed single-family residential to the east; and a single, two and multi-family residential land uses to the north and west. 3. The property is annexed; therefore, the zoning change would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district for Lots 1-9, Block 1, Lots 1 & 9, Block 2 and Lot 25, Block 3 North Hills 17 th Addition.		

Proposed Zoning Change (R5 to R10)
Lots 1-9, Block 1, Lot 1, Block 2, Lot 9, Block 2,
Lot 25, Block 3
North Hills 17th Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Date: 3/17/2014 (hib)

Source: City of Bismarck

0 550 1,100 Feet



Lots 1-9, Block 1, Lots 1 & 9, Block 2 and Lot 25, Block 3, North Hills 17th Addition



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: All of Lots 1 & 2 and parts of Lots 3, 6 & 7, Block 6, Western Hills – Zoning Change (RR to R5)		
Status: Planning Commission – Consideration	Date: April 23, 2014	
Owner(s): Darrel & Joan Scofield – Lot 1 & part of Lot 2 Leona Kohler – Parts of Lots 2, 3, 6 & 7	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone property to allow further subdivision and development as urban residential.		
Location: Along the south side of Ash Coulee Drive approximately ½ mile west of Valley Drive.		
Project Size: 7.78 acres	Number of Lots: All or parts of 6 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Rural residential and undeveloped	PROPOSED CONDITIONS:	
Zoning: RR – Residential	Land Use: Urban single-family residential	
Uses Allowed: RR – Rural residential	Zoning: R5 – Residential	
Maximum Density Allowed: RR – One unit/65,000sf	Uses Allowed: R5 – Single-family urban residential	
	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: 05/1985	Platted: 05/1985	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan). The proposed zoning change would also be consistent with the Future Land Use Plan (FLUP) of the draft Growth Management Plan Update, which identifies this area as LDR (low density residential). 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a combination of rural residential to the northwest, low density urban residential to the northeast, east and south, and agricultural to the west. 3. The property will be annexed prior to further development; therefore, the zoning change would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from RR – Residential zoning district to the R5 – Residential zoning district for all of Lots 1 & 2 and parts of Lots 3, 6 & 7, Block 6, Western Hills.

The map displays the City of Aurora with various streets and zoning districts. A red-shaded area in the center-left is labeled "Proposed Zoning Change". The map includes the following street names and zoning codes:

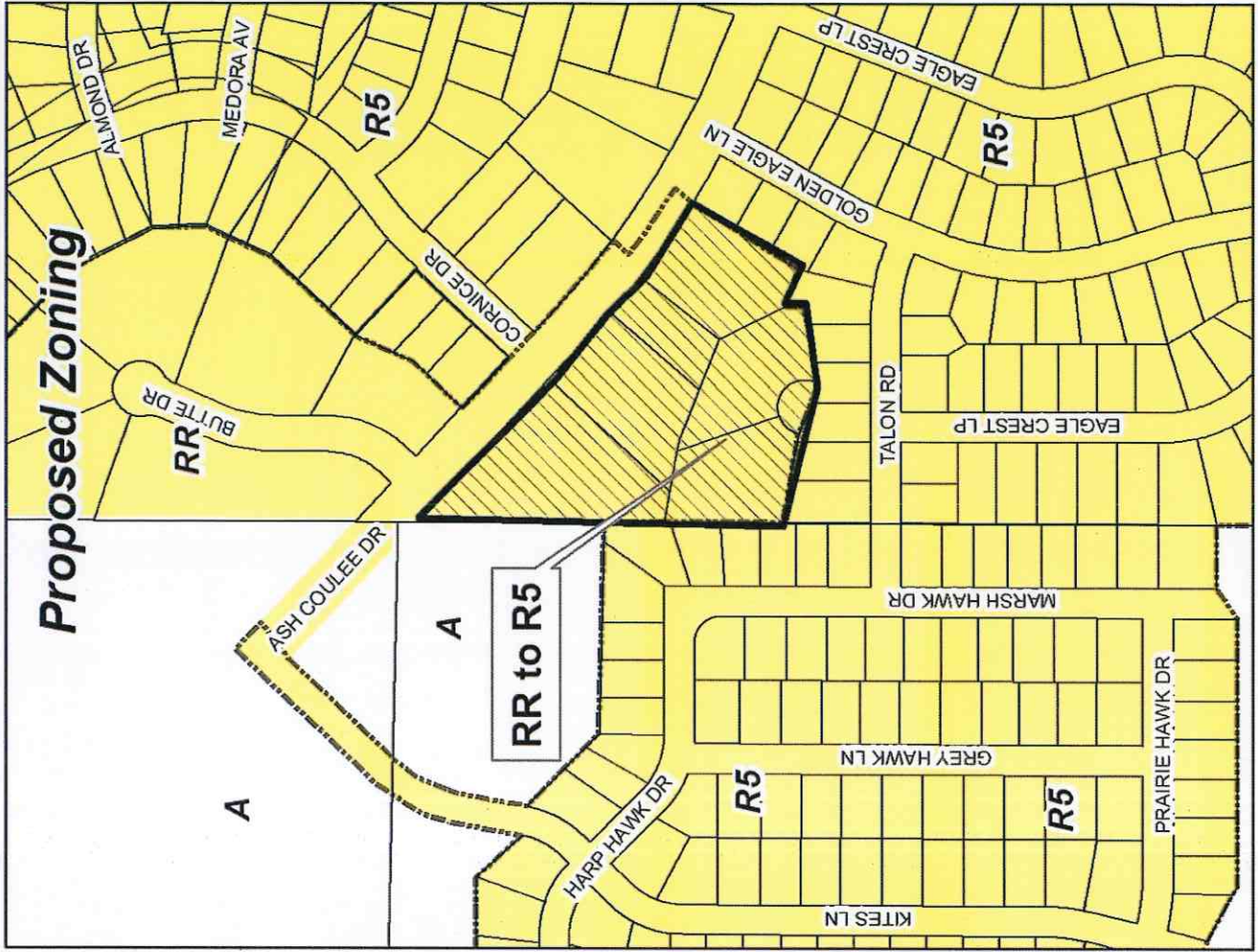
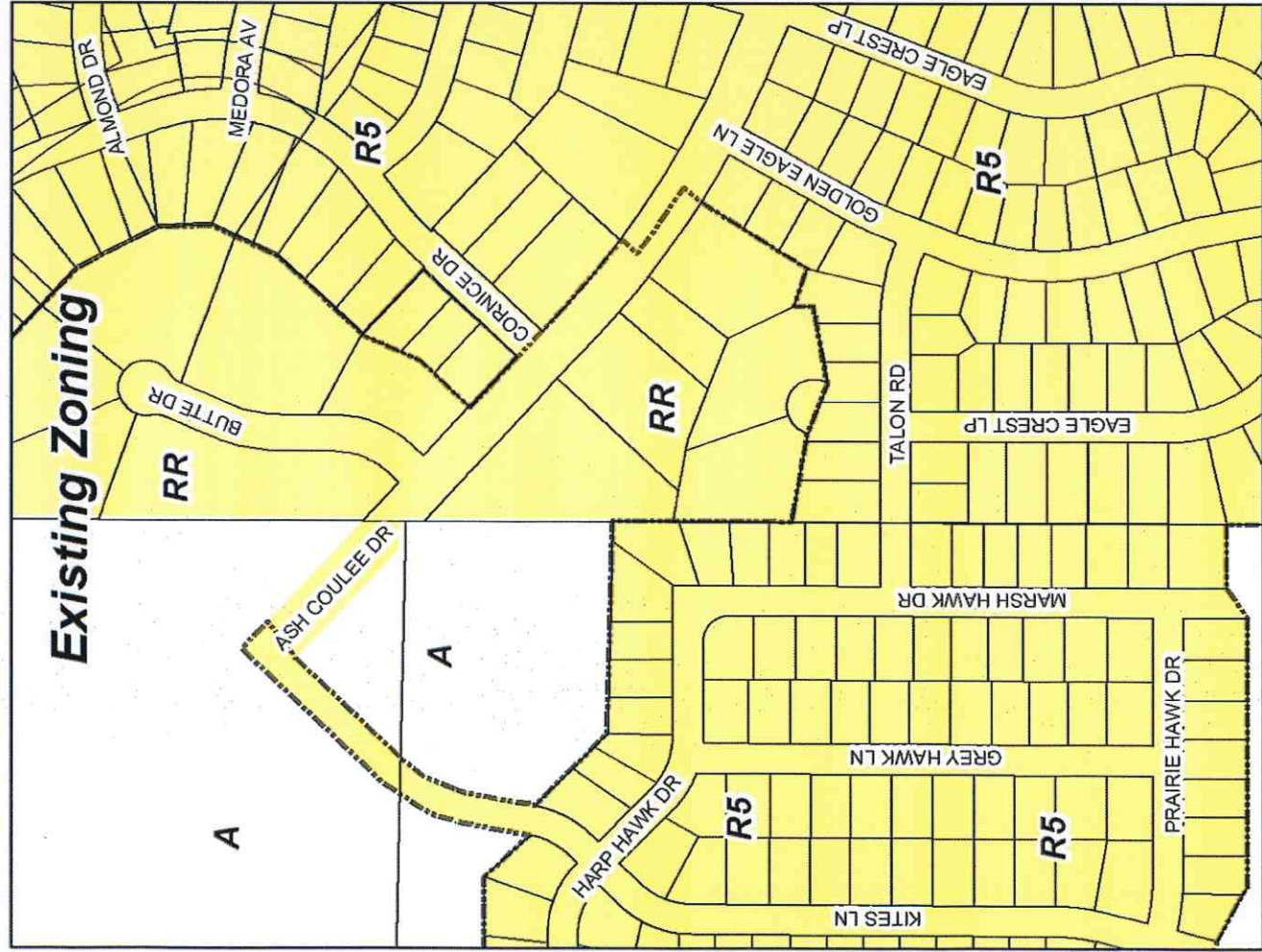
- Streets:** PORNICIE, SALMON, LASALLE, ALMOND, SUNLIGHT, AUTUMBLAZE, MELLOW SUN, FOUNTAIN BLUE, AMBERGLOW, PARKER PLUM, BUTTE, TALON, GREY HAWK, MARSH HAWK, GOLDEN EAGLE, EAGLE CREST, RANCH, VALLEY, MUSTANG, REGINA, HURON, SELKIRK, BUCKSKIN, BRUNSWICK, OVERLAND, EAGLES VIEW, HIGH CREEK, CREST, ASH COULEE, DORR, DURANGO, DRIEWOOD, LASALLE, and NORTHERN SKY.
- Zoning Codes:** RR, R5, R10, RM30, RT, P, CA, and RR.

Source: City of Bismarck



A horizontal number line with tick marks at 0, 700, and 1,400. The word "Feet" is written at the right end of the line.

Lots 1A, 1B and 1C, Block 6, Lots 2A, 2B and 2C, Block 6, Lots 3A and 3B, Block 6, Lots 6C and 6D, Block 6 and Lot 7A, Block 6, Western Hills Subdivision



BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

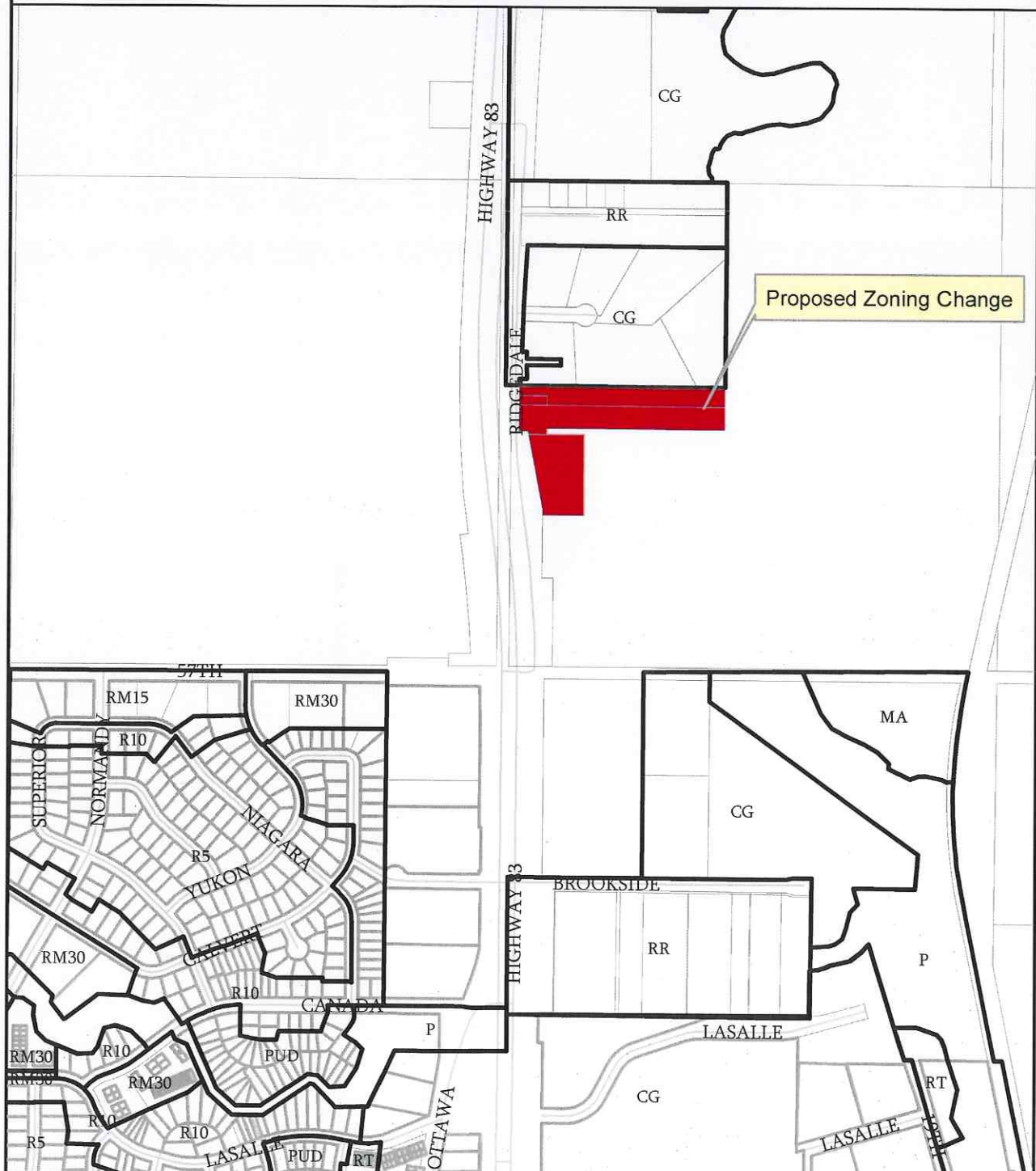
BACKGROUND:	
Title: Part of the W½ of the SW¼ of Section 10, T139N-R80W/Hay Creek Township – Zoning Change (A to RR)	
Status: Planning Commission – Consideration	Date: April 23, 2014
Owner(s): David Manz, Barbara & Francis Weeks, Rodney & Raynee Morrell, Kathleen Sommer, and Sophia Emineth	Engineer: N/A
Reason for Request: City-initiated zoning change to bring the zoning of four unplatted tracts (parcels of record) in line with the use of the properties as rural residential	
Location: Along the east side of US Highway 83 and the frontage road (Ridgedale Street), between 57 th Avenue NE and Ridgedale Place.	
Project Size: 8.3 acres, more or less	Number of Lots: 4 unplatted parcels
EXISTING CONDITIONS:	
Land Use: Rural residential	PROPOSED CONDITIONS:
Zoning: A – Agricultural	Land Use: Rural residential
Uses Allowed: A – Agricultural uses	Zoning: RR – Residential
Uses Allowed: RR – Rural residential	
Maximum Density Allowed: A – One unit/40 acres	Uses Allowed: RR – Rural residential
Maximum Density Allowed: RR – One unit/65,000 square feet	
PROPERTY HISTORY:	
Zoned: N/A	Platted: N/A
FINDINGS:	
<ol style="list-style-type: none"> 1. The proposed zoning change would not be consistent with the Land Use Plan (US Highway 83 Corridor Transportation Study) or the Future Land Use Plan (FLUP) of the draft Growth Management Plan Update, both of which identify the long range use of this area as commercial. However, the proposed zoning change would bring the zoning of the properties in line with the actual use as rural residential. It is expected that this area will transition over time to commercial as the area around it is developed. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a combination of rural residential and undeveloped land to the north, and agricultural land to the east, south and west across US Highway 83. 3. The use of the property is not expected to change with the zoning change; therefore, the zoning change would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 	
<i>(continued)</i>	

5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from A – Agricultural zoning district to the RR – Residential zoning district for part of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 10, T139N-R80W/Hay Creek Township.

**Proposed Zoning Change (A to RR)
Part of the W 1/2 of the SW 1/4 of Section 10,
T139N-R80W/Hay Creek Township**



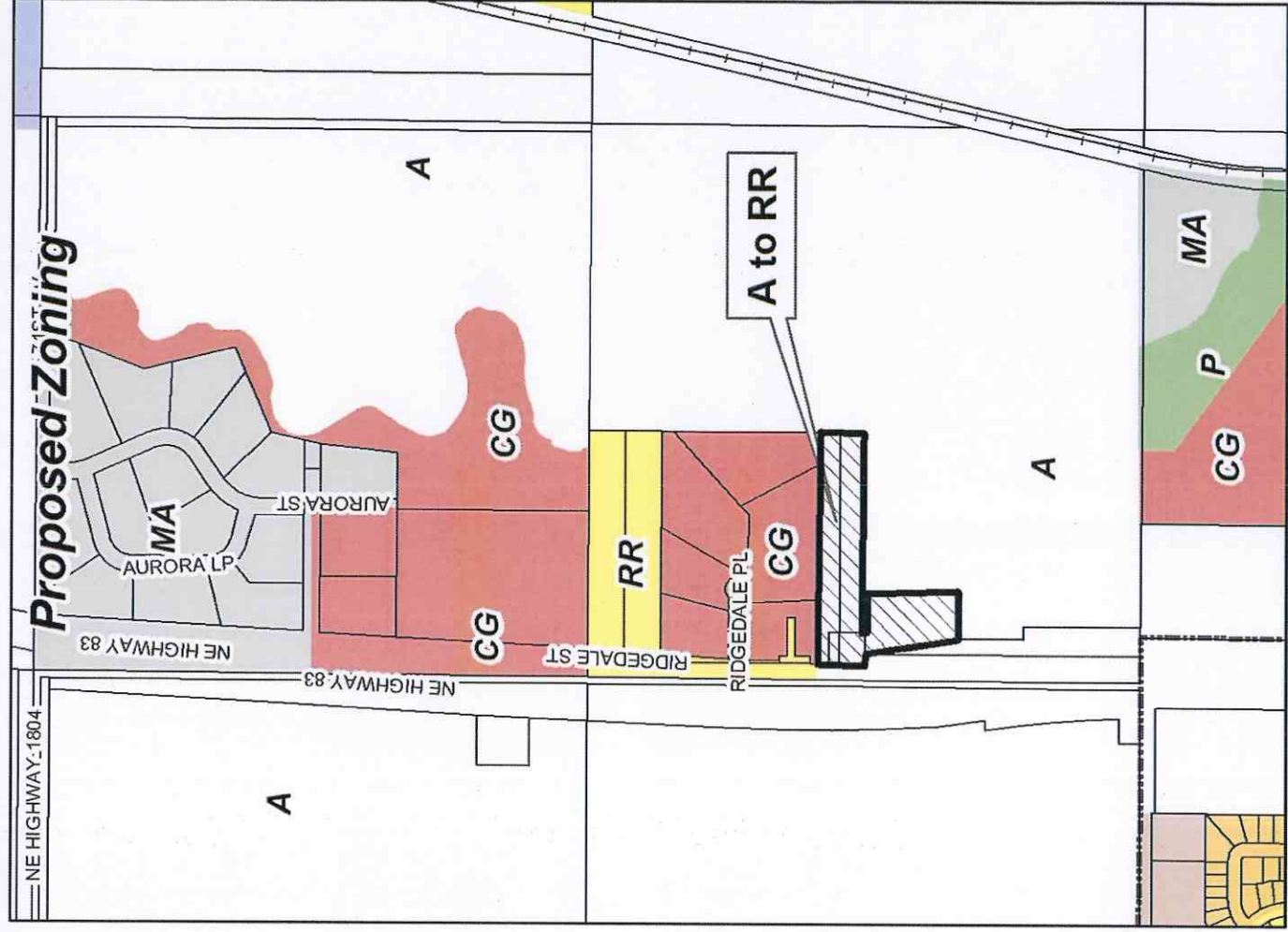
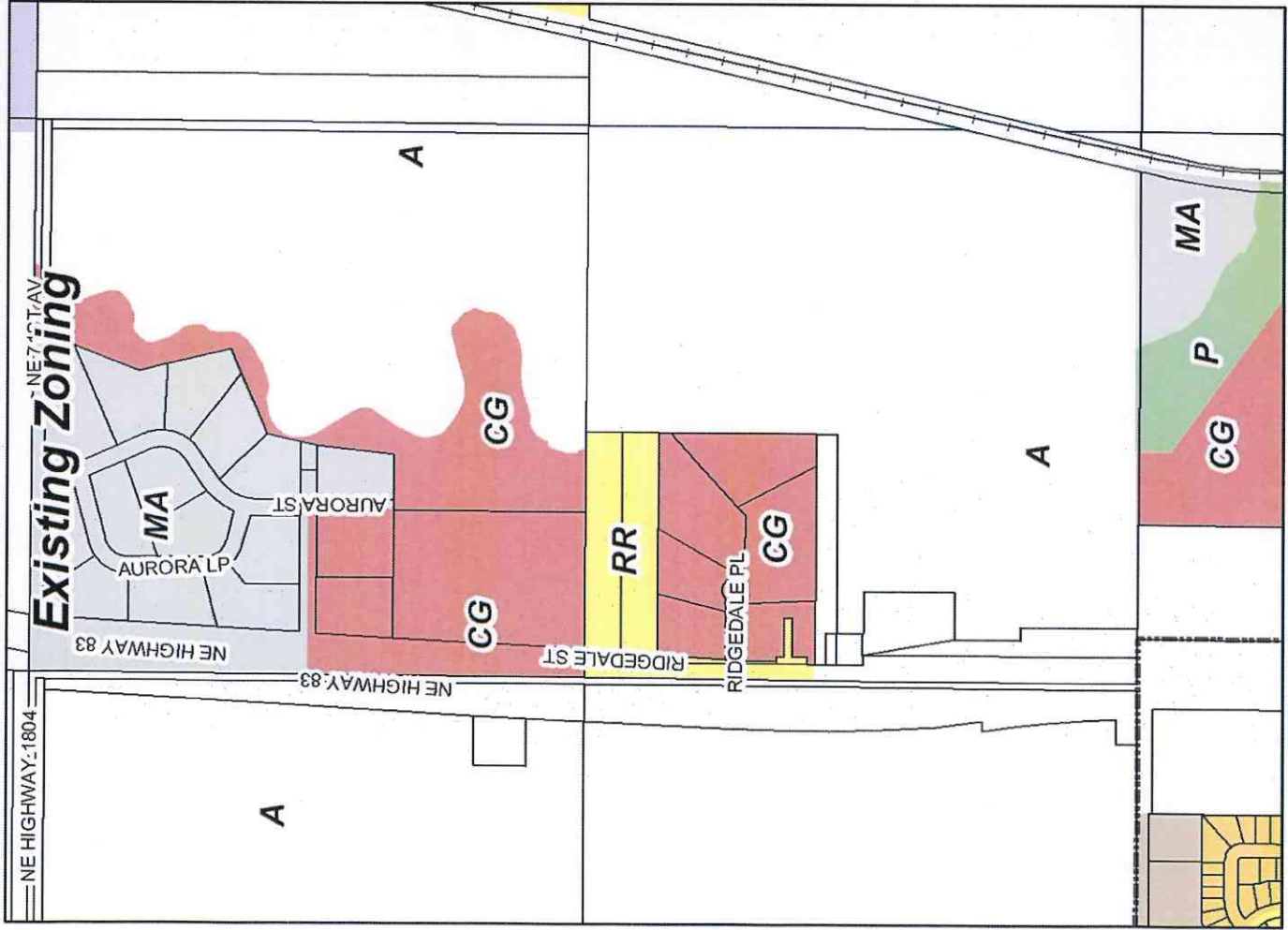
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/15/2014 (hlb)

Source: City of Bismarck

0 700 1,400
Feet



Part of the W 1/2 of the SW 1/4 of Section 10, T139NR80W/Hay Creek Township



April 2014

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CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-19 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE FP FLOODPLAIN DISTRICT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-19 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the FP Floodplain District is hereby amended and re-enacted to read as follows:

14-04-19. FP Floodplain District. In any FP floodplain district, the following regulations shall apply:

* * * * *

4. General provisions.

* * * * *

b. Basis for establishing the special flood hazard areas. The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report titled "The Flood Insurance Study for Burleigh County, North Dakota and Incorporated Areas", dated July 19, 2005 August 4, 2014, with an accompanying flood insurance rate map (FIRM), and as subsequently updated by any Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR) and/or Letter of Map Revision Based on Fill (LOMR(f)) issued by the Federal Emergency Management Agency (FEMA), is hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study (FIS) is on file in the office of the

Floodplain Administrator. Special flood hazard areas may also be designated in a storm water management plan prepared for a development, plat or watershed.

* * * * *

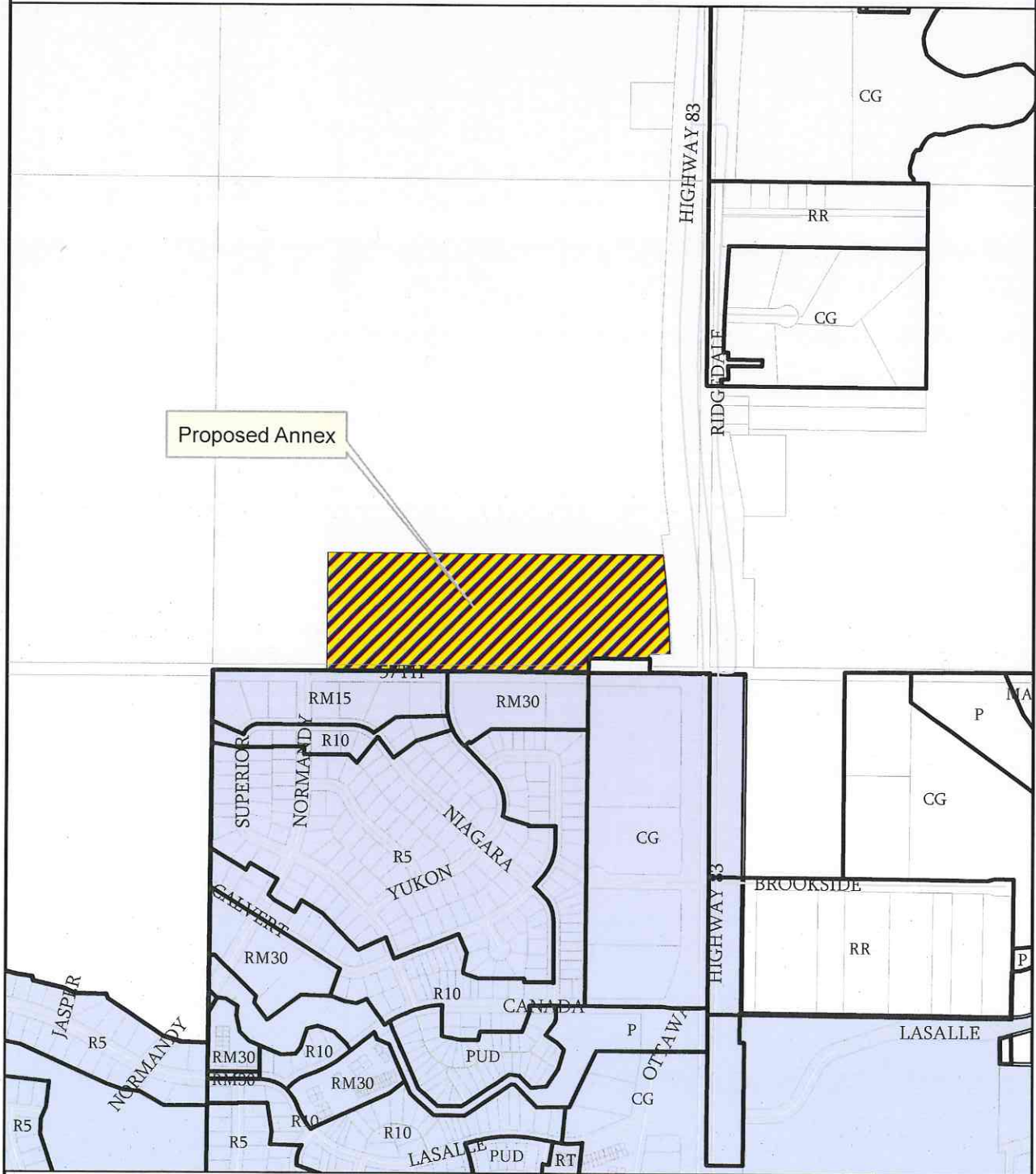
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Daybreak Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: April 23, 2014	
Owner(s): TPR, LLP	Engineer: Houston Engineering	
Reason for Request: To plat, annex and zone property for a commercial development.		
Location: In north Bismarck along the west side of US Highway 83 and along the north side of 57 th Avenue NE (part of the SE¼ of Section 9, T139N-R80W/Hay Creek Township).		
Project Size: 21.89 acres +/-	Number of Lots: 3 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Car dealership (Lot 1, Block 1) and other commercial uses	
Zoning: A – Agriculture	Zoning: CG – Commercial	
Uses Allowed: A – Agricultural uses	Uses Allowed: CG – General commercial uses including restaurants, retail sales and apartments	
Maximum Density Allowed: 1 unit per 40 acres	Maximum Density Allowed: CG – 42 units per acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends approval of the annexation of Daybreak Addition.		

Proposed Annexation Daybreak Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Map was Updated/Created: January 24, 2014 (hib)

Source: City of Bismarck

0 700 1,400 Feet



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

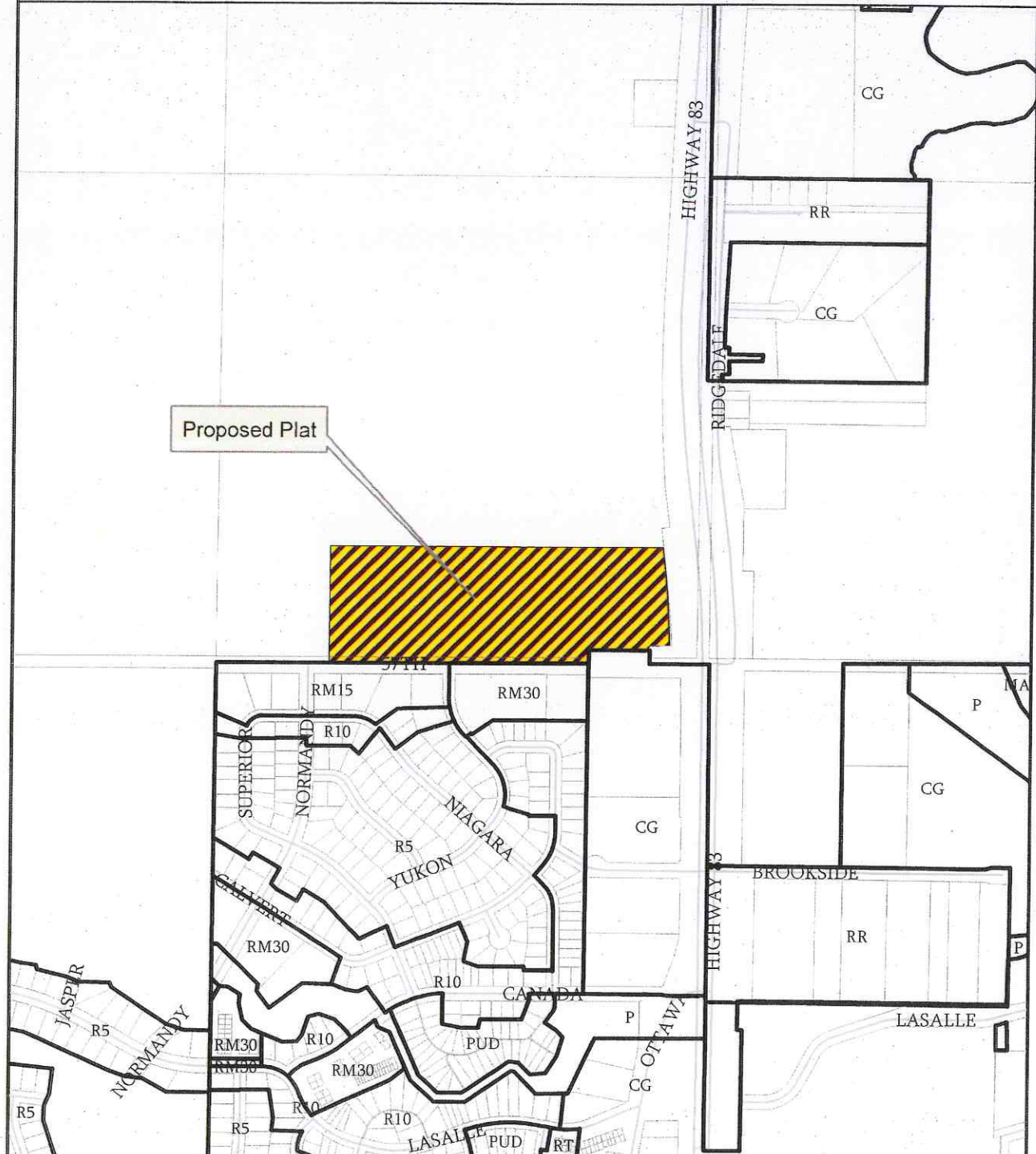
BACKGROUND:		
Title: Daybreak Addition – Zoning Change (A to CG)		
Status: Planning Commission – Public Hearing	Date: April 23, 2014	
Owner(s): TPR, LLP	Engineer: Houston Engineering	
Reason for Request: To plat, annex and zone property for a commercial development.		
Location: In north Bismarck along the west side of US Highway 83 and along the north side of 57 th Avenue NE (part of the SE¼ of Section 9, T139N-R80W/Hay Creek Township).		
Project Size: 21.82 acres +/-	Number of Lots: 3 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Car dealership (Lot 1, Block 1) and other commercial uses	
Zoning: A – Agriculture	Zoning: CG – Commercial	
Uses Allowed: A – Agricultural uses	Uses Allowed: CG – General commercial uses including restaurants, retail sales and apartments	
Maximum Density Allowed: 1 unit per 40 acres	Maximum Density Allowed: CG – 42 units per acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Future Land Use Plan in the draft Growth Management Plan Update, which identifies the area as commercial. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped land to the north and west, developing commercial and multi-family uses to the south, US Highway 83 and a fireworks sales building to the east, and four rural residential dwellings to the northeast that are located along the east side of US Highway 83. 3. An annexation request has been submitted for the entire subdivision; therefore the proposed zoning change would not place an undue burden on public services. 4. The proposed zoning change would not have an adverse impact on property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance 		
<i>(continued)</i>		

6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the CG – Commercial zoning district for Lots 1 & 2, Block 1 and Lot 1, Block 2, Daybreak Addition.

Proposed Plat & Zoning Change (A to CG) Daybreak Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: January 24, 2014 (hlb)

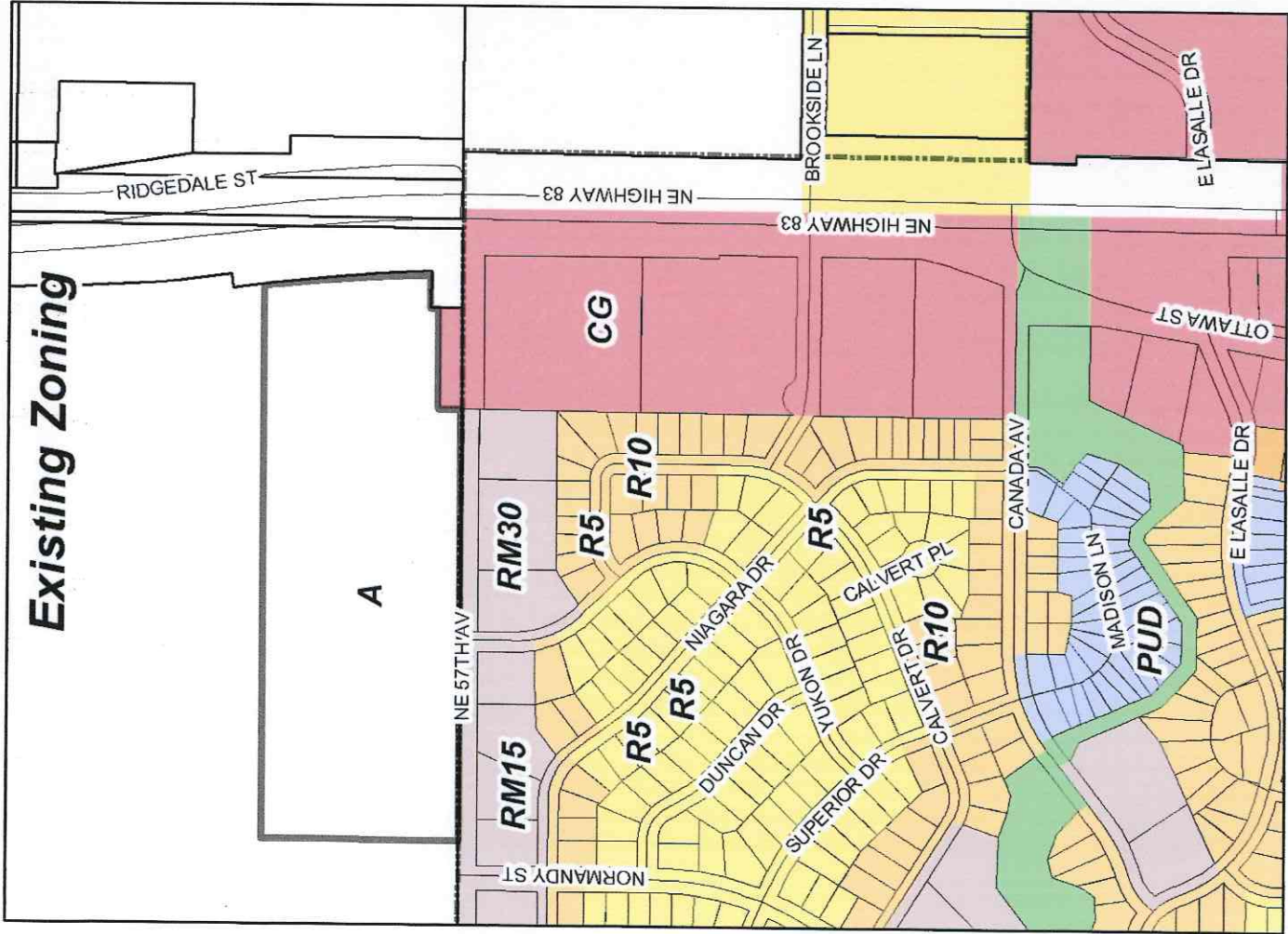
Source: City of Bismarck

0 700 1,400 Feet

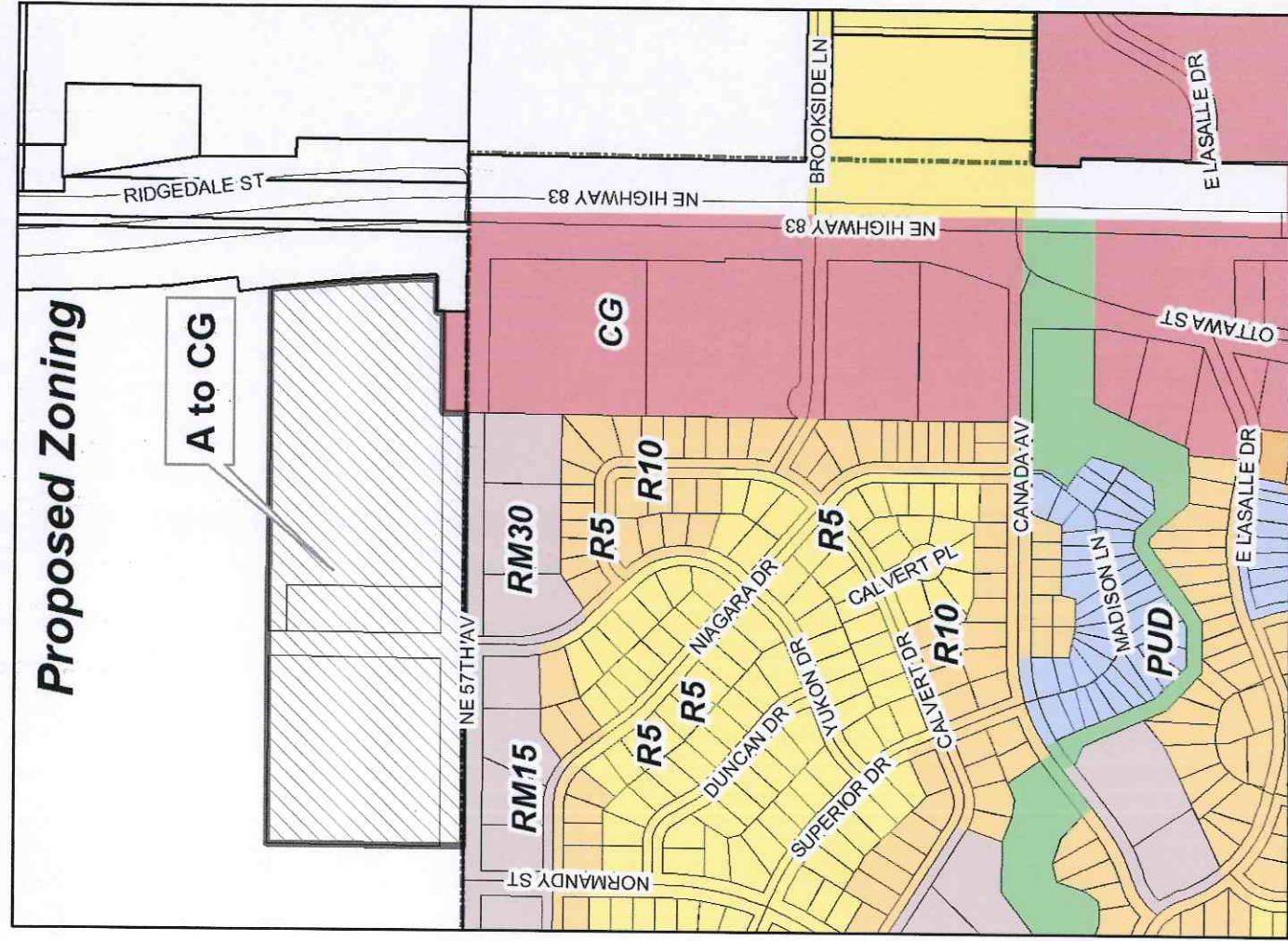


Daybreak Addition - Zoning Change

Existing Zoning



Proposed Zoning



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

February 2014

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Daybreak Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: April 23, 2014	
Owner(s): TPR, LLP	Engineer: Houston Engineering	
Reason for Request: To plat, annex and zone property for a commercial development.		
Location: In north Bismarck along the west side of US Highway 83 and along the north side of 57 th Avenue NE (part of the SE¼ of Section 9, T139N-R80W/Hay Creek Township).		
Project Size: 21.89 acres +/-	Number of Lots: 3 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Car dealership (Lot 1, Block 1) and other commercial uses	
Zoning: A – Agriculture	Zoning: CG – Commercial	
Uses Allowed: A – Agricultural uses	Uses Allowed: CG – General commercial uses including restaurants, retail sales and apartments	
Maximum Density Allowed: 1 unit per 40 acres	Maximum Density Allowed: CG – 42 units per acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<p>1. Although the proposed subdivision is not subject to the regulations of the Neighborhood Parks Ordinance, the owner has been working with the Bismarck Parks & Recreation District and Planning staff to develop a conceptual master plan for the parks and open space opportunities within the entire section of land. The master plan indicates a 21.5 acre park area within the NW¼ of the section, multi-use trail connections throughout the section, proposed land uses and projected roadway networks. A copy of the preliminary master plan is included with this report.</p>		
FINDINGS:		
<p>1. All technical requirements for approval of a final plat have been met.</p> <p>2. The storm water management plan has been approved by the City Engineer.</p> <p>3. The proposed subdivision conforms with the Fringe Area Road Master Plan, which identifies US Highway 83 and 57th Avenue as arterial roadways. The proposed subdivision also conforms with the roadway network in the US Highway 83 Corridor Transportation Study, which identifies Yukon Drive as a north-south collector roadway for this section.</p>		

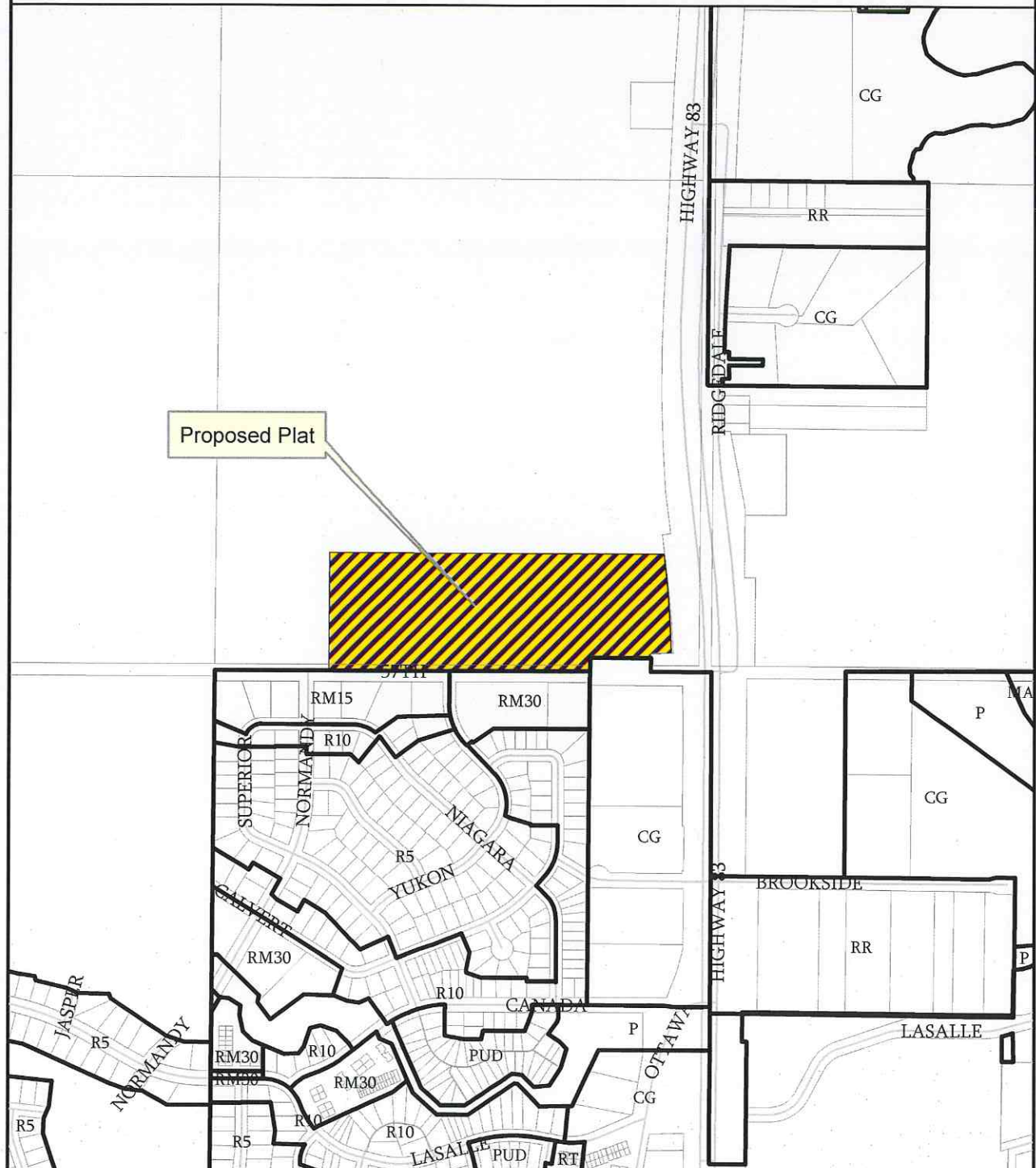
(continued)

4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include undeveloped land to the north and west, developing commercial and multi-family uses to the south, US Highway 83 and a fireworks sales building to the east, and four rural residential dwellings to the northeast that are located along the east side of US Highway 83.
5. The entire subdivision would be annexed; therefore the proposed subdivision would not place an undue burden on public services.
6. The proposed subdivision would not have an adverse impact on property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat for Daybreak Addition.

Proposed Plat & Zoning Change (A to CG) Daybreak Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: January 24, 2014 (hlb)

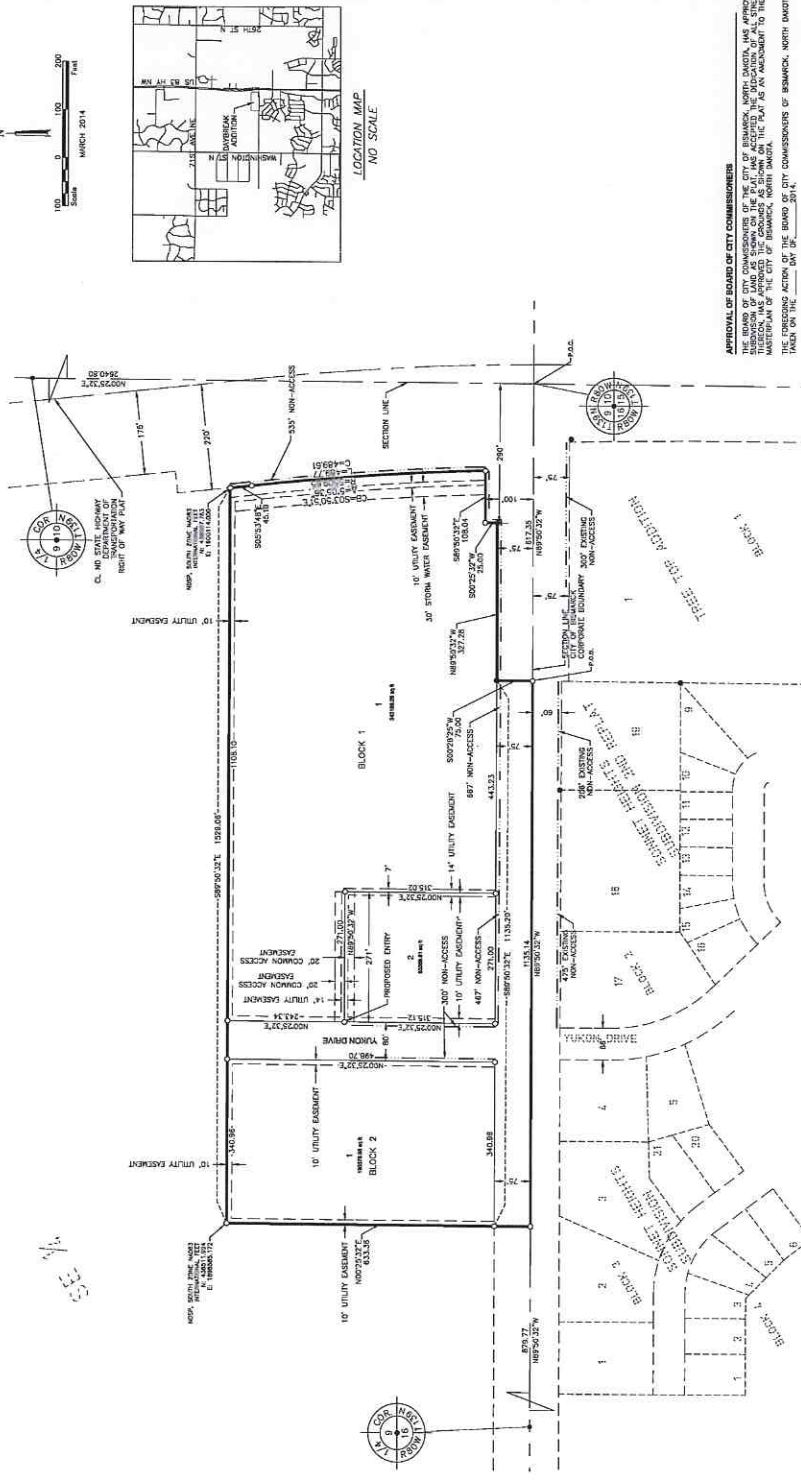
Source: City of Bismarck

0 700 1,400 Feet



PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA.

PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA.



LEGAL DESCRIPTION

DISSEMINATED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAO
QUARTER OF TOWNSHIP 130 NORTH, RANGE 18 EAST AND THE WEST LINE OF THE
WESTERNLY LINE OF TWP SECTION 9, FOR A DISTANCE OF 671.25 FEET TO THE
SOUTHWEST CORNER OF SAO SECTION 9, THENCE N 89°25'32" W ALONG THE
AND THE TRUE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED, THENCE
CONTINUING NORTH 89°50'32" WEST ALONG THE SOUTHERLY LINE OF THE SOUTHEAST
QUARTER OF SAO SECTION 9, FOR A DISTANCE OF 113.814 FEET; THENCE NORTH
PARALLEL WITH THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAO SECTION
9, FOR A DISTANCE OF 152.08 FEET TO THE WESTERY RIGHT OF ANY LINE OF
THE SOUTHERLY RIGHT OF ANY LINE, FOR A DISTANCE OF 151 FEET; THEN SOUTHERLY
FOR A DISTANCE OF 488.77 FEET ALONG WESTERY RIGHT OF ANY LINE AND
ALONG A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 556.85, A CENTRAL
ANGLE OF 100.00 DEGREES, TO THE INTERSECTION WITH THE SOUTHERLY LINE OF
INTERSECTION WITH A LINE 100.00 FEET NORTHERLY OF, AS MEASURED AT A
RIGHT ANGLE, AND PARALLEL WITH, THE SOUTHERLY LINE OF THE SOUTHEAST
QUARTER OF SAO SECTION 9, FOR A DISTANCE OF 168.94 FEET TO THE POINT OF
INTERSECTION WITH LINE 280.00 FEET WESTERLY OF, AS MEASURED AT A RIGHT
ANGLE, AND PARALLEL WITH, THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER
OF SAO SECTION 9; THENCE SOUTH 02°52'32" WEST ALONG A LINE 280.00 FEET
WESTERLY OF, AND PARALLEL WITH, THE EASTERNLY LINE OF THE SOUTHEAST QUARTER
OF SAO SECTION 9; THENCE NORTH 89°50'32" WEST ALONG THE NORTHERLY
LINE OF SAO SECTION 9, FOR A DISTANCE OF 100.00 FEET TO THE SOUTHWEST
NORTHWEST CORNER OF SAO TRICEE TAD ADDITION; THENCE SOUTH 02°29'25" WEST
TO THE SOUTHWEST CORNER OF SAO TRICEE TAD ADDITION; THENCE SOUTH 02°29'25" WEST
TO THE POINT OF BEGINNING.

SAO TRACT OF LAND CONTAINS 21.82 ACRES, MORE OR LESS.

LEGEND

[illegible]

APPROVAL OF CITY PLANNING COMMISSION

THIS SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK ON THE _____ DAY OF _____, 2014, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA. ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION, IN WITNESS WHEREOF, WE SET THE HANDS AND SEALS OF THE CHIEF AND CLERK OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK.

 KATHLEEN LEE YEAGER, CHAIRMAN

 CARL D. HORNSTEDT, SECRETARY

APPROVAL OF CITY ENGINEER

BY: MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARK, NORTH DAKOTA, HEREBY APPROVE THE
 DAYBREAK ADDITION, BISMARK, NORTH DAKOTA AS SHOWN ON THE PLAN.

MELVIN J. BULLINGER, CITY ENGINEER

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

SHAWN THOMASSON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT I HAVE EXAMINED AND RATED THE PROPERTY DESCRIBED ON THIS PLAT, THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECTLY SHOWN ON THE PLAT IN FEET AND HUNDREDTHS OF A FOOT, THAT THE CORNERS ARE CORRECTLY LOCATED, AND THAT THE PLAT IS IN ACCORDANCE WITH THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DISSEMINATED ON THE PLAT AND THAT I AM A FULLY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

SHAWN M. THOMASSON, PLS.

15. NO. 1960

OWNER'S CERTIFICATE AND DEDICATION

[illegible]

10

ION KNUTSON
 1198 LW
 1856 BONN OLYD
 STAMPAICK, ND 58504
 STATE OF NORTH DAKOTA)

COUNTY OF BURECH)
)

ON THIS _____ DAY OF _____, 2014 BEFORE ME PERSONALLY
APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED
IN AND WHO HAS EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO
ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC,
SULLY COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA } 55

COUNTY OF BURLINGHAM)

ON THIS _____ DAY OF _____, 2014 BEFORE ME PERSONALLY
APPEARED THE LATE _____, who appeared for the purpose of
N AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO
ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
SHELBY COUNTY, NORTH CAROLINA
MY COMMISSION EXPIRES _____

ESI **Houston**
Engineering Inc.



Houston
Engineering Inc.

DAYBREAK ADDITION
PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA.



LEGEND

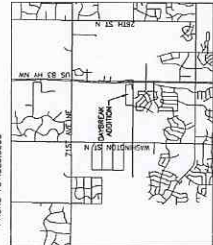
PLAT BOUNDARY	---
UTILITY EASEMENT	---
NON ACCESS LINE	---
BUILDING SETBACK	---
WATER MAIN	---
SEWER MAIN	---
EXISTING FENCE	---
EXISTING ASPHALT	---
OVERHEAD POWER	---
IRON MONUMENT SET	○
IRON MONUMENT FOUND	●
MEASURED DISTANCE	303.20'
MEASURED BEARING	N89°27'53.7\"
EXISTING ACCESS POINTS	→
POINT OF COMMENCEMENT	P.O.C.
POINT OF BEGINNING	P.O.B.

PLAT INFORMATION
SEE ZONING REQUEST BELOW FOR DETAILS
TOTAL ACRES: 25.69
RIGHT OF WAY ACRES: 25.69
TOTAL ACRES: 25.69
BASE OF BEARING: N89°27'53.7\"
ZONE: NAD83 (2011), ADJUSTMENT 1986
CONTIGUOUS VERTICAL DATUM: NAVD 88
TOPOGRAPHIC CONTOURS ARE DERIVED FROM 2009 LIDAR DATA

ZONING REQUEST
CURRENT ZONING: A-AGRICULTURAL DISTRICT
ZONING REQUEST: A-AGRICULTURAL DISTRICT
BLOCK 2 LOT 1

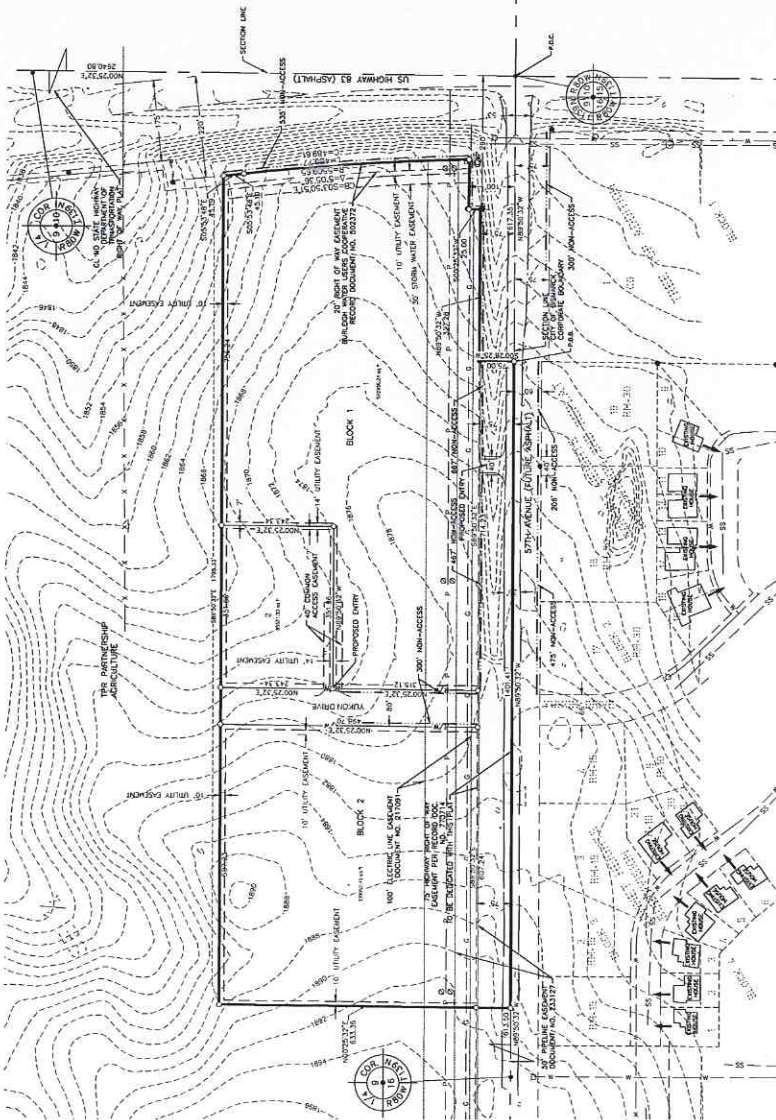
NOTES
* TITLE COMMITMENT COMPLETED BY BISMARK
* THIS PLAT IS THE FINAL PLAT FOR THE ADDITION
* WITH AN EFFECTIVE DATE OF JANUARY 15, 2014.

OWNER
TPI LLP
1855 BORN BLVD
BISMARCK, ND 58504
ENGINEER/SURVEYOR
HOUSTON ENGINEERING, INC.
3712 LOCKPORT STREET
BISMARCK, ND 58503
PHONE 701.323.0300



LOCATION MAP

BISMARK
Houston Engineering Inc.
P: 701.323.0300
F: 701.323.0300



LEGAL DESCRIPTION
PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 9, THENCE NORTH 89°50'32\"

HIGHWAY 1804

Washington St

HIGH DENSITY
RESIDENTIAL

HIGH DENSITY
RESIDENTIAL

MED DENSITY
RESIDENTIAL

64TH AV NW

MED DENSITY
RESIDENTIAL

OAKFIELD DR

MED DENSITY
RESIDENTIAL

MIXED
USE

MIXED
USE

MIXED
USE

MIXED
USE

NORTHSTAR DR

NORMANDY ST

YUKON DR

COMMERCIAL/
MEDICAL

COMMERCIAL

COMMERCIAL

COMMERCIAL

US 83

57th Ave.

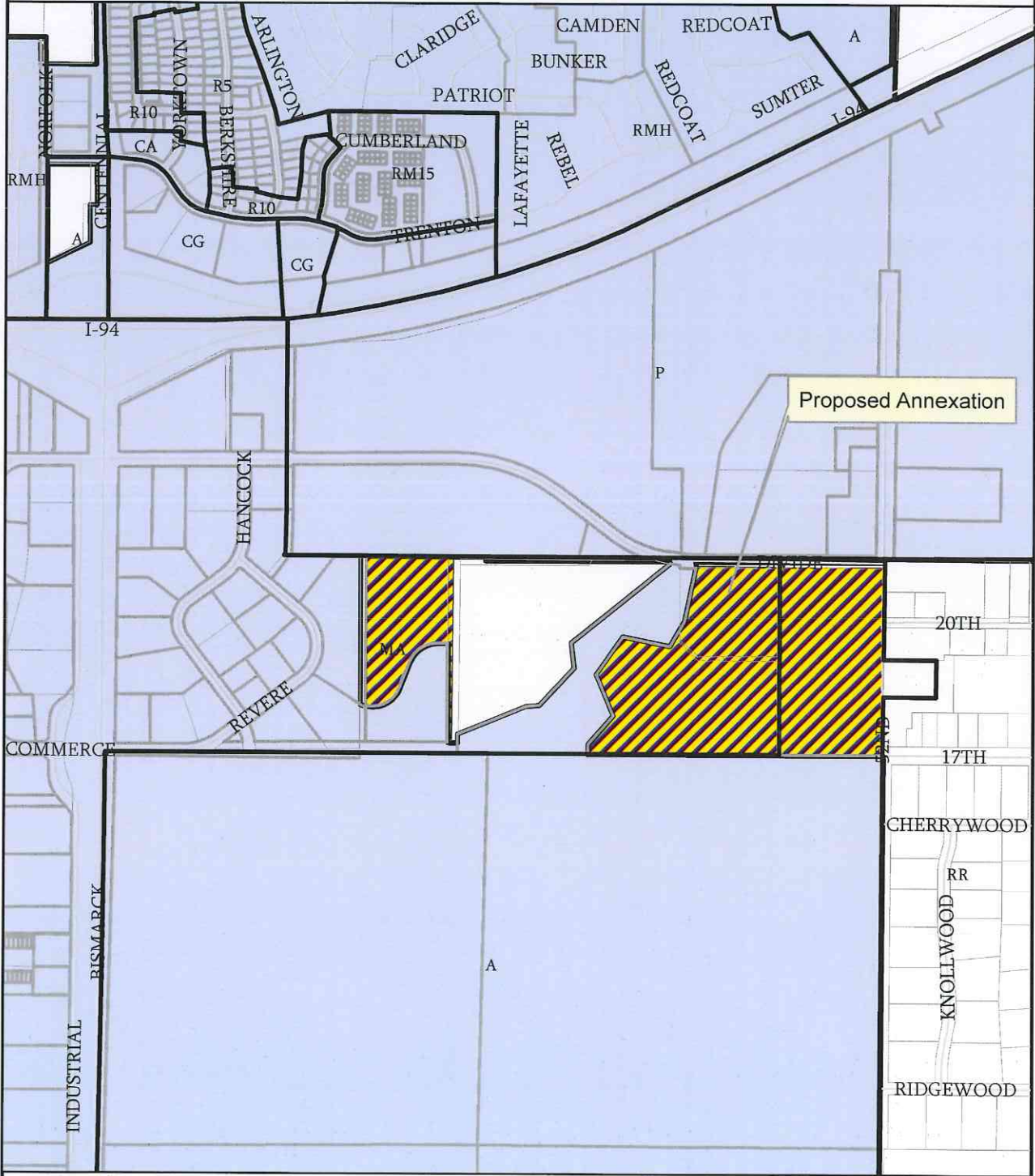
BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: East Divide Industrial Park Addition – Annexation (portion of plat not previously annexed)		
Status: Planning Commission – Final Consideration	Date: April 23, 2014	
Owner(s): Northern Improvement Co. (Lot 1, Block 1) City of Bismarck (Lot 1, Block 2) JL Partnership (All remaining lots)	Engineer: Toman Engineering Company	
Reason for Request: To plat, zone and annex property in conjunction with an industrial development project.		
Location: In northeast Bismarck, along the south side of East Divide Avenue, directly west of 52 nd Street NE (Auditor's Lots B-B, C-C, D & E of the South ½ of Section 25, T139N-R80W/Hay Creek Twp).		
Project Size: 79.12 acres (entire plat) 66.94 acres (portion being annexed)	Number of Lots: 21 lots in 5 blocks (entire plat) 20 lots in 5 block (portion being annexed)	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agriculture MA – Industrial	Land Use: Industrial	
Uses Allowed: A – Agriculture MA – Light industrial, general commercial, warehouses, storage facilities, shop condos and manufacturing	Zoning: MA – Industrial P – Public	
Maximum Density Allowed: A – 1 unit per 40 acres MA – N/A	Uses Allowed: MA – Light industrial, general commercial, warehouses, storage facilities, shop condos and manufacturing P – Public uses	
Maximum Density Allowed: A – 1 unit per 40 acres MA – N/A	Maximum Density Allowed: MA – N/A	
PROPERTY HISTORY:		
Zoned: 06/1982 (MA)	Platted: N/A	Annexed: 01/2008 (portion)
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		

RECOMMENDATION:

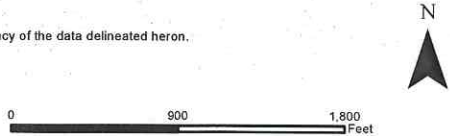
Based on the above findings, staff recommends approval of the annexation of East Divide Industrial Park Addition less that portion previously annexed (Auditor's Lot D of Section 25 and Auditor's Lot 1 of Block 1, Centennial Park 3rd Addition)

Proposed Annexation Part of East Divide Industrial Park Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Date: 4/16/2014(hlb)

Source: City of Bismarck



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

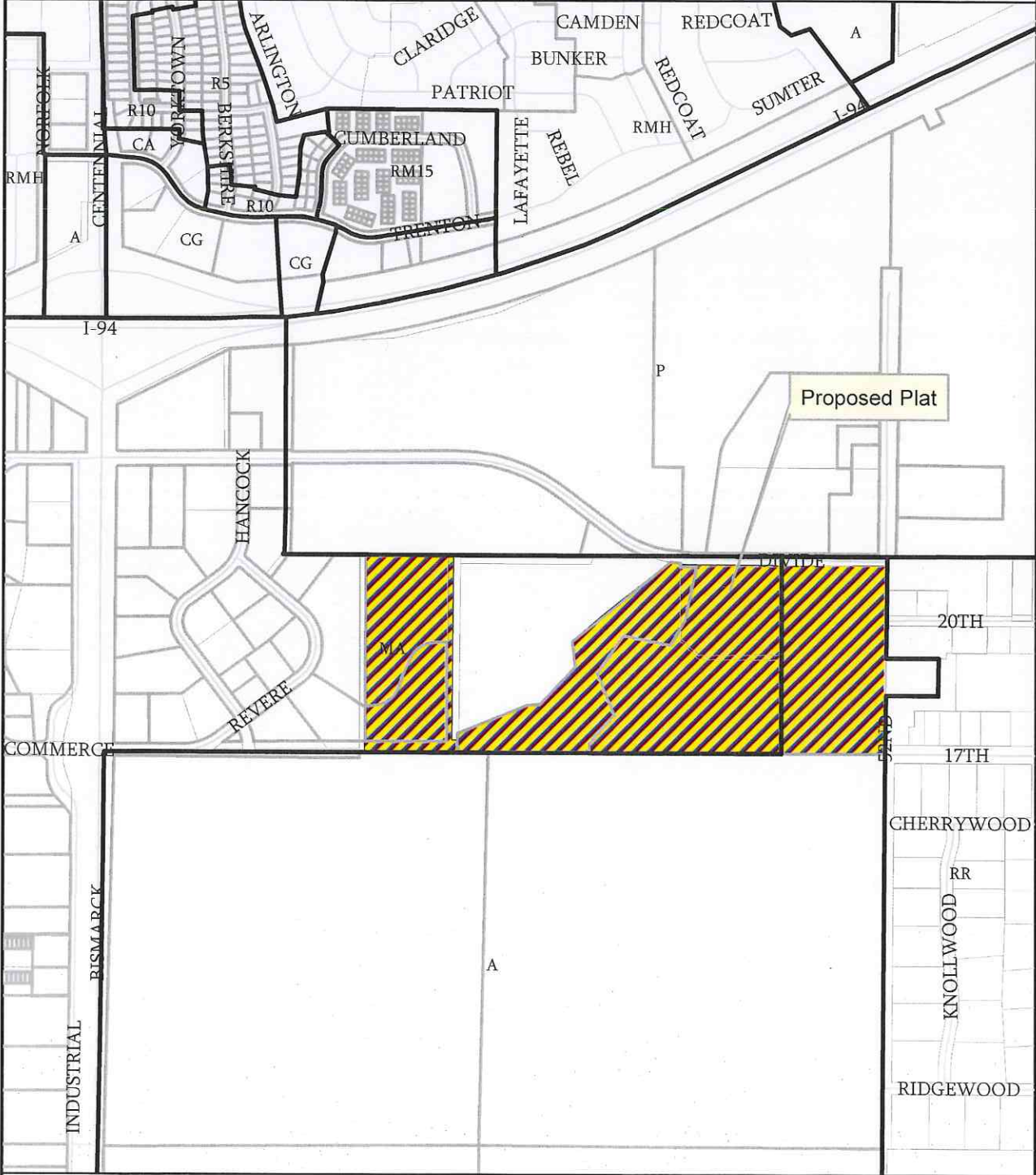
BACKGROUND:		
Title: East Divide Industrial Park Addition – Zoning Change (A & MA to MA & P)		
Status: Planning Commission – Final Consideration	Date: April 23, 2014	
Owner(s): Northern Improvement Co. (Lot 1, Block 1) City of Bismarck (Lot 1, Block 2) JL Partnership (All remaining lots)	Engineer: Toman Engineering Company	
Reason for Request: To plat, zone and annex property in conjunction with an industrial development project.		
Location: In northeast Bismarck, along the south side of East Divide Avenue, directly west of 52 nd Street NE (Auditor's Lots B-B, C-C, D & E of the South ½ of Section 25, T139N-R80W/Hay Creek Township).		
Project Size: 79.12 acres	Number of Lots: 21 lots in 5 blocks	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agriculture MA – Industrial	Zoning: MA – Industrial	
Uses Allowed: A – Agriculture MA – Light industrial, general commercial, warehouses, storage facilities, manufacturing and shop condos	Uses Allowed: MA – Light industrial, general commercial, warehouses, storage facilities, manufacturing and shop condos P – Public uses	
Maximum Density Allowed: A – 1 unit per 40 acres MA – N/A	Maximum Density Allowed: MA – N/A	
PROPERTY HISTORY:		
Zoned: 06/1982 (MA)	Platted: N/A	Annexed: 01/2008 (portion)
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan (Bismarck-Mandan Regional Future Land Use Plan), which identifies this area as industrial. The proposed zoning change would also be consistent with the Future Land Use Plan (FLUP) of the draft Growth Management Plan Update, which identifies this area as industrial. 2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include the North Dakota Army National Guard Armory and the Burleigh County Highway Department Shop to the north, industrial uses to the west, undeveloped land to the south and rural residential dwellings across North 52nd Street to the east. 		
<i>(continued)</i>		

3. An annexation request has been submitted in conjunction with this request, the entire property would be annexed prior to development; therefore the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change may have an adverse impact on property in the vicinity. In particular, there are existing rural residentially-zoned homes to the east of the proposed subdivision across North 52nd Street NE. Historically, a public arterial roadway has been an adequate separation and buffer between incompatible land uses.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and acceptable planning practice.

RECOMMENDATION:

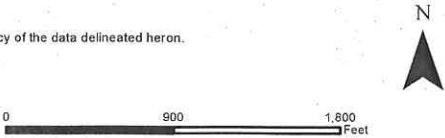
Based on the above findings, staff recommends approval of the zoning change from the A – Agriculture and MA – Industrial zoning districts to the MA – Industrial zoning district for lot 1, Block 1, Lots 2-3, Block 2, Lots 1-8, Block 3, Lots 1-3, Block 4 and Lots 1-5, Block 5, and from the MA – Industrial zoning district to the P – Public zoning district for Lot 1, Block 2, East Divide Industrial Park Addition.

Proposed Plat East Divide Industrial Park Addition

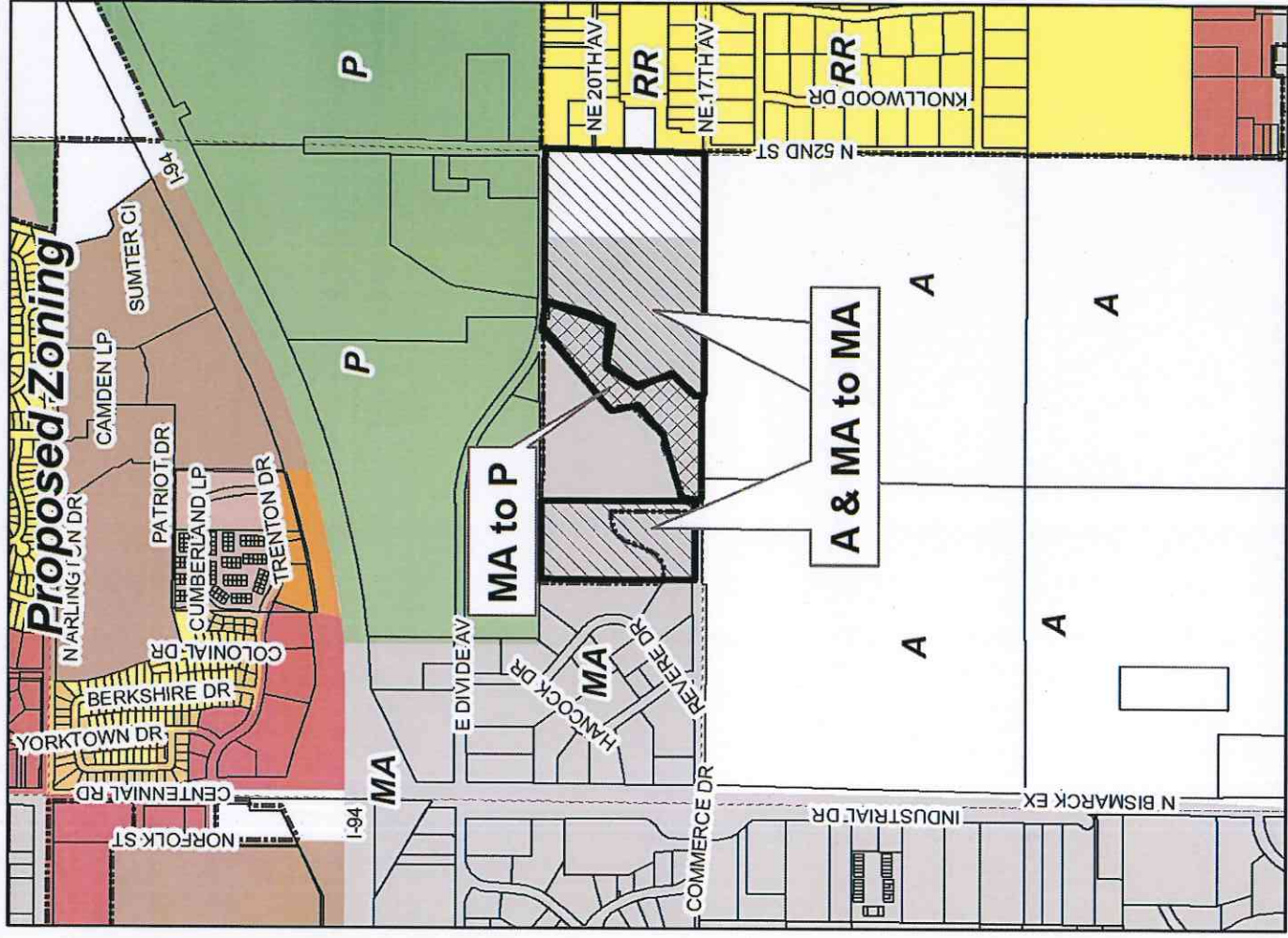
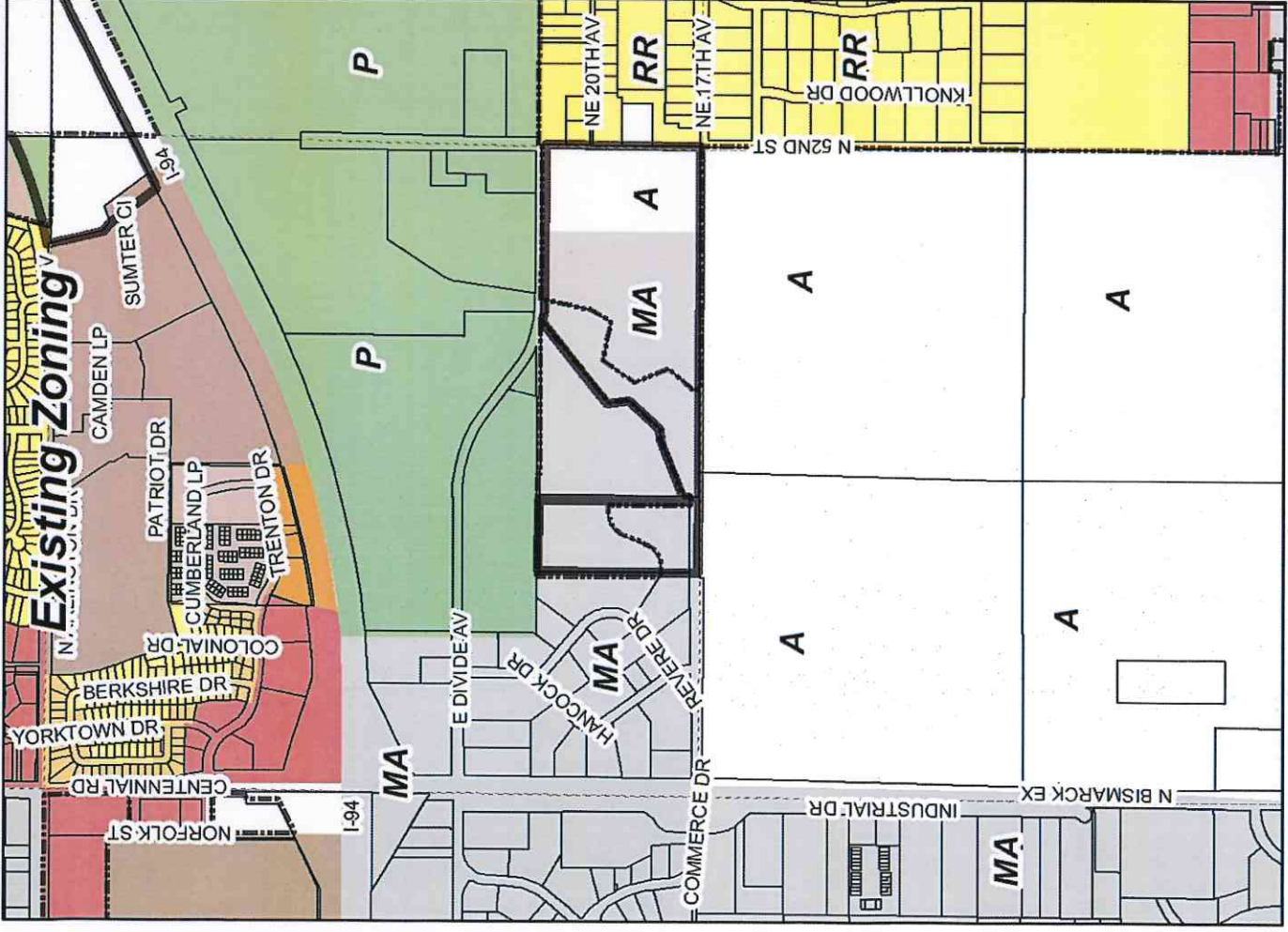


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/16/2014(hlb)

Source: City of Bismarck



East Divide Industrial Park Addition - Zoning Change



April 2014

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: East Divide Industrial Park Addition – Final Plat		
Status: Planning Commission – Consideration	Date: April 23, 2014	
Owner(s): Northern Improvement Co. (Lot 1, Block 1) City of Bismarck (Lot 1, Block 2) JL Partnership (All remaining lots)	Engineer: Toman Engineering Company	
Reason for Request: To plat, zone and annex property in conjunction with an industrial development project.		
Location: In northeast Bismarck, along the south side of East Divide Avenue, directly west of 52 nd Street NE (Auditor's Lots B-B, C-C, D & E of the South ½ of Section 25, T139N-R80W/Hay Creek Township).		
Project Size: 79.12 acres	Number of Lots: 21 lots in 5 blocks	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agriculture MA – Industrial	Zoning: MA – Industrial P – Public	
Uses Allowed: A – Agriculture MA – Light industrial, general commercial, warehouses, storage facilities, manufacturing and shop condos	Uses Allowed: MA – Light industrial, general commercial, warehouses, storage facilities, manufacturing and shop condos P – Public uses	
Maximum Density Allowed: A – 1 unit per 40 acres MA – N/A	Maximum Density Allowed: MA – N/A P – N/A	
PROPERTY HISTORY:		
Zoned: 06/1982 (MA)	Platted: N/A	Annexed: 01/2008
ADDITIONAL INFORMATION:		
<p>1. The City of Bismarck and the applicant have made a development agreement with regard to the development of East Divide Industrial Park Addition in Bismarck, North Dakota. The parties intend that the developers will dedicate that portion of 17th Avenue Northeast to be known in the future as East Divide Avenue that would be in East Divide Industrial Park Addition. The City will start the process to obtain the south half of the future East Divide Avenue right-of-way from the State of North Dakota.</p>		
FINDINGS:		
<p>1. The preliminary plat was tentatively approved by the Planning & Zoning Commission on August 23, 2013.</p>		

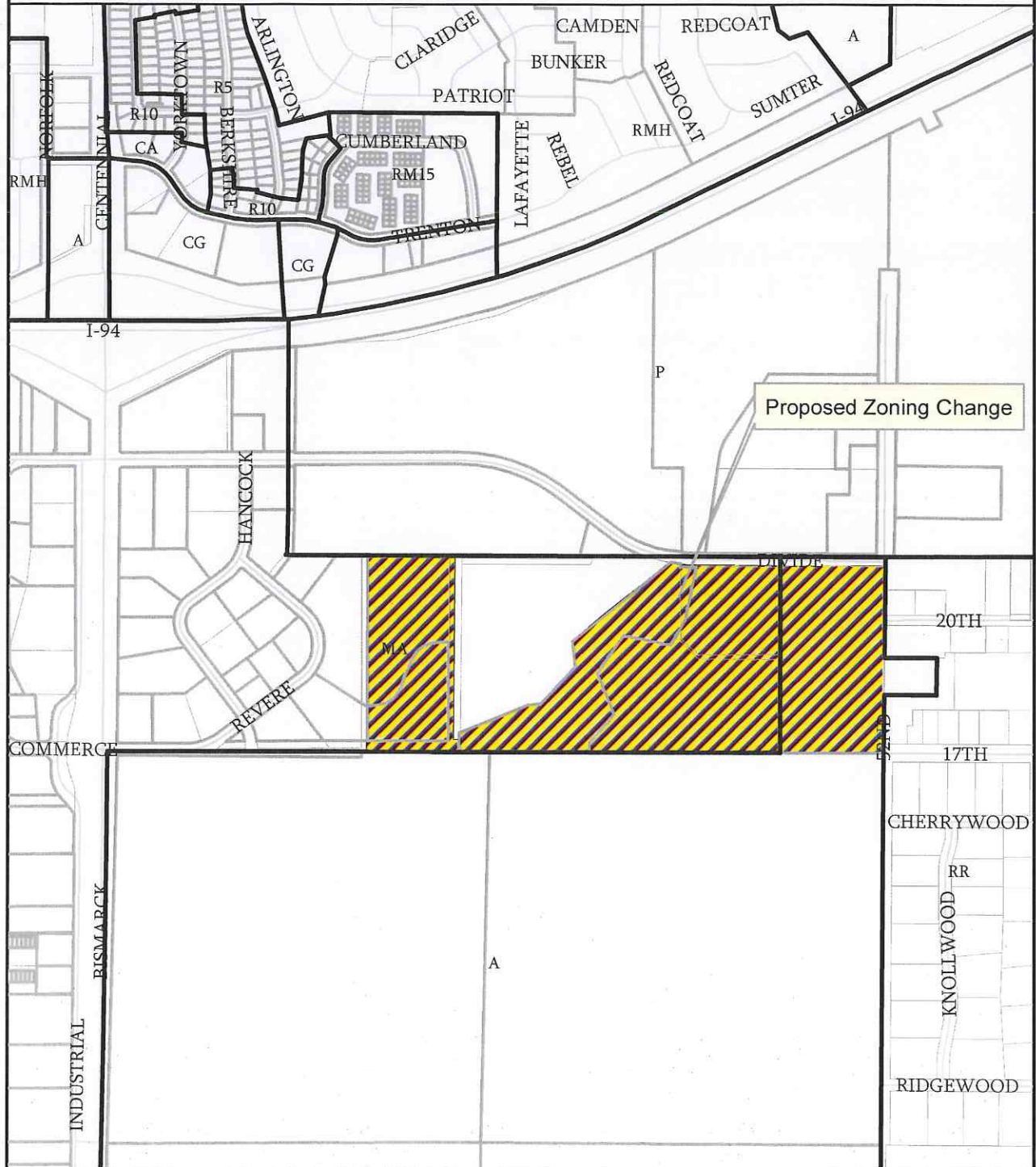
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2. All technical requirements for approval of a final plat have been met
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision would be generally compatible with adjacent land uses. Adjacent land uses include the North Dakota Army National Guard Armory and the Burleigh County Highway Department Shop to the north, industrial uses to the west, undeveloped land to the south and rural residential dwellings across 52nd Street NE to the east.
5. The proposed subdivision is outside the boundaries of the Fringe Area Road Master Plan. Divide Avenue will be extended through this property and has been identified as an arterial roadway and 52nd Street NE is a section line roadway which has also been identified as an arterial road.
6. The proposed subdivision may have an adverse impact on property in the vicinity. In particular, there are existing rural residentially-zoned homes to the east of the proposed subdivision across 52nd Street NE. Historically, a public arterial roadway has been an adequate separation and buffer between incompatible land uses.
7. An annexation request has been submitted in conjunction with this request, the entire property would be annexed prior to development; therefore the proposed subdivision would not place an undue burden on public services.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

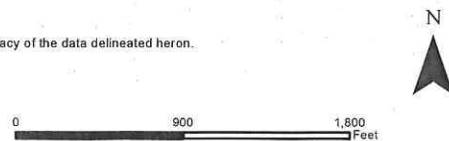
Based on the above findings, staff recommends approval of the final plat of East Divide Industrial Park Addition.

Proposed Zoning Change (A & MA to MA & P) East Divide Industrial Park Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/16/2014(hlb)

Source: City of Bismarck



TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

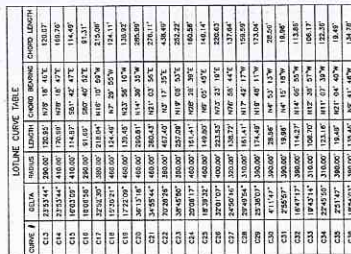
ALL OF AUDITOR'S LOTS D & E OF THE SE1/4, AUDITOR'S LOTS B-B, C-C AND PART OF THE SW1/4 OF SECTION 25, T13N-R80W, AND CENTENNIAL PARK 3RD ADDITION OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



- JOANESS:**
NORTHERN IMPROVEMENT (LOT 1, BLOCK 1)
3320 E. CENTURY AVE.
BISMARCK, ND 58503-0728
- CITY OF BISMARCK (LOT 1, BLOCK 2)**
PO BOX 5503
BISMARCK, ND 58508-5503
- JL PARTNERSHIP (ALL OTHER LOTS)**
PO BOX 1254
BISMARCK, ND 58502

- BEARINGS AND DISTANCES MAY VARY FROM
STATION TO STATION. DISTANCE TO
DIFFERENT METHODS OF FIELD MEASUREMENT.
COORDINATES BASED ON CITY OF DESARCA GPS
CONTROL MONUMENTS 80-36, 818-76, 825-1
AND 834-25. ELEVATIONS BASED ON BSC GPS
LOT 1, BLOCK 2 IS NON-BUILDABLE
100-YEAR FLOODPLAIN ELEVATION VARIES FROM
1660.83-1691.20 (NOV02). SEE STORM WATER
MANAGEMENT PLAN FOR MORE PARTICULARS.
TOTAL AVERAGE 79.12 - SURVEY 18-176

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



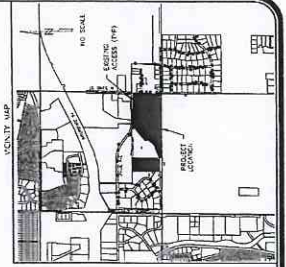
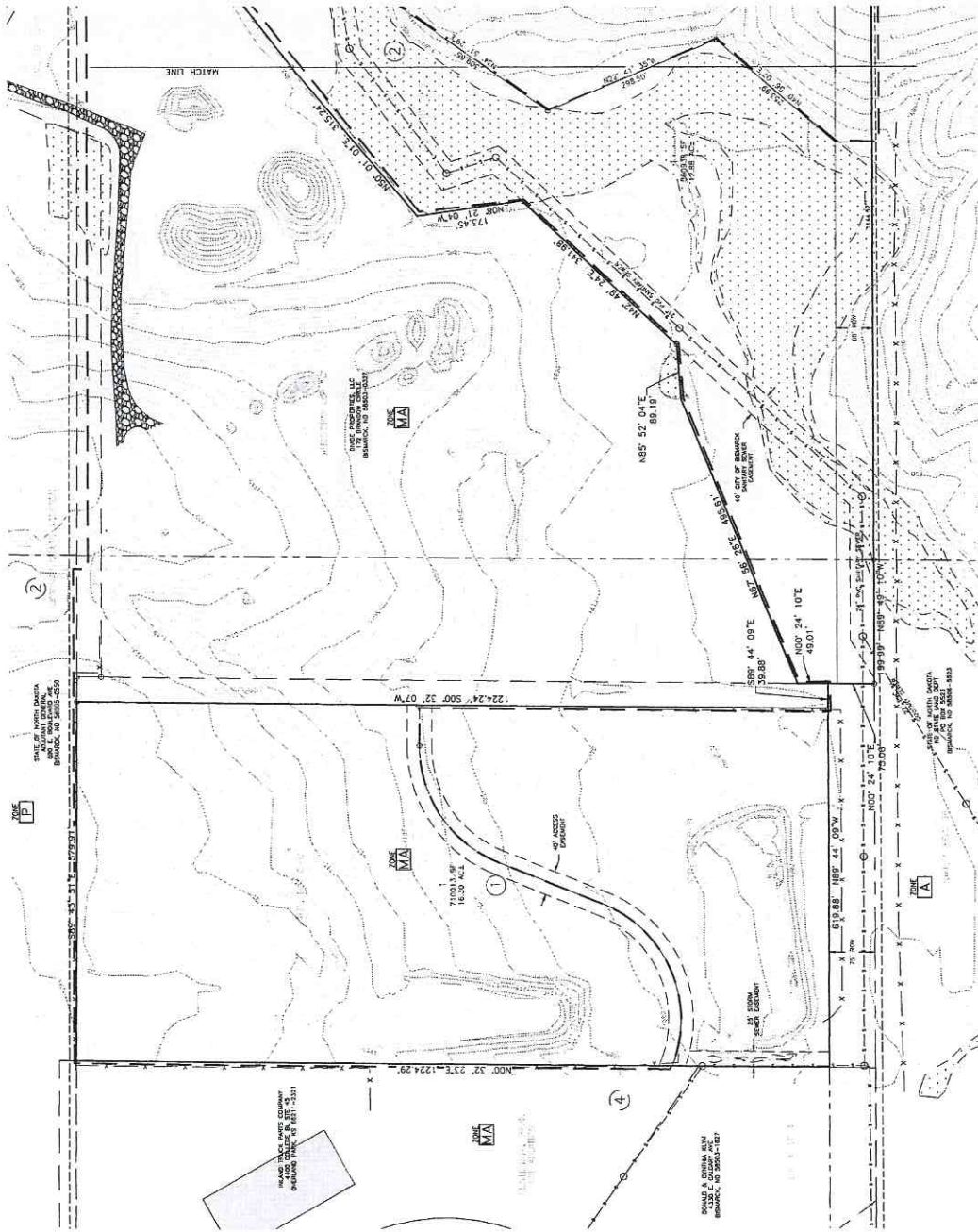
OFFICES:
NORTHERN IMPROVEMENT (LOT 1, BLOCK 1)
3300 E. CENTURY AVE
BISMARCK, ND 58503-0728
CITY OF BISMARCK (LOT 1, BLOCK 2)
PO BOX 5503
BISMARCK, ND 58503-5503
JL PARTNERSHIP (ALL OTHER LOTS)
PO BOX 1254
BISMARCK, ND 58502

CENTERLINE STREET CURVE TABLE				
CURVE #	BEVLY	ADIUS	CHORD BEARING	CHORD LENGTH
C1	2325.94'	250.00'	305.18° 47'E	144.81'
C2	2325.94'	500.00'	143.87° 48'E	144.81'
C3	2373.94'	500.00'	337.47° 20'E	144.81'
C4	2373.94'	250.00'	12.60°	12.60'
C5	2373.94'	500.00'	133.37° 48'E	133.37'
C6	2373.94'	500.00'	318.48° 59'E	233.69'
C7	2325.94'	250.00'	240.68°	233.69'
C8	2373.94'	250.00'	32.57° 57'E	233.69'
C9	2345.90'	250.00'	326.15°	238.76'
C10	2373.94'	500.00'	332.37° 18'E	198.97'
C11	2345.94'	500.00'	182.22°	155.16'
C12	1949.14'	250.00'	162.36° 53'E	118.87'

LINE #	BEARING	LENGTH
L1	S87° 44' 22"E	112.44'
L2	N60° 15' 16"E	84.33'
L3	N32° 37' 14"W	58.19'
L4	N32° 37' 14"W	35.51'
L5	N58° 31' 48"E	160.15'
L6	N02° 41' 02"W	11.23'
L7	N67° 32' 48"E	306.74'
L8	N67° 23' 32"E	539.55'
L9	N32° 37' 14"W	50.75'
L10	N02° 47' 30"W	54.68'

RECEIVED
JUL 25 2013

PRELIMINARY PLAT OF **EAST DIVIDE INDUSTRIAL PARK ADDITION** TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA ALL OF AUDITOR'S LOTS D & E OF THE SE1/4, AUDITOR'S LOTS B-B, C-C OF THE SW1/4 OF SECTION 25, T139N-R80W, AND CENTENNIAL PARK 3RD ADDITION OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NOTES:
1. THE SE1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
2. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
3. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
4. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
5. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
6. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
7. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
8. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
9. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
10. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.

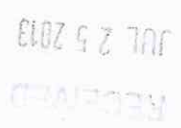
COMMENTS:
1. THE SE1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
2. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
3. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
4. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
5. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
6. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
7. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
8. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
9. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.
10. THE SW1/4, SECTION 25, T139N-R80W, H1011187, 44' 22' ACRES.

TOMAN ENGINEERING
601 1st Street NW, Bismarck, ND 58501
Phone: 701-223-1111
Fax: 701-223-1112
www.toman-engineering.com



TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

ALL OF AUDITOR'S LOTS D & E OF THE SE1/4, AUDITOR'S LOTS B-B, C-C OF THE SW1/4 OF SECTION 25, T139N-R80W, AND CENTENNIAL PARK 3RD ADDITION OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



CENTERLINE STREET LINE TABLE		
LINE #	Bearing	Length
1.1	S89° 44' 22"E	112.41'
1.2	N00° 15' 18"E	84.33'
1.3	N32° 37' 14"W	58.19'
1.4	N32° 37' 14"W	35.51'
1.5	N31° 31' 48"E	100.15'
1.6	N05° 14' 02"W	11.37'
1.7	N07° 22' 48"E	308.74'
1.8	N05° 23' 52"E	559.50'
1.9	N32° 37' 14"W	50.75'
1.10	N05° 47' 20"W	54.48'
1.11	N07° 15' 18"E	80.79'

BASIC OF BELIEFS

1. BELIERS AND REMAINS MAY VARY FROM DIFFERENT METHODS OF FIELD MEASUREMENT.

2. CONTRAS AND OTHER FEATURES BASED ON AERIAL PHOTOGRAMMERY BY MBN AND FLOHM ON JAN 1, 2013.

3. TOTAL ADDED: 78.05 - LOTS: 68.36
STREETS: 1.71

202555
NORTHERN IMPROVEMENT (LOT 1, BLOCK 1)
3120 E. CENTURY AVE
BISMARCK, ND 58503-0728

CITY OF BISMARCK (LOT 1, BLOCK 2)
PO BOX 5503
BISMARCK, ND 58503-5503

J. BARNHARTSEPH (ALL OTHER LOTS)
1001 13TH AVE
BISMARCK, ND 58503

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Southland 2 nd Addition – Annexation (portion of plat not previously annexed)		
Status: Planning Commission – Final Consideration	Date: April 23, 2014	
Owner(s): Sattler Family LLLP Bismarck Parks & Recreation District	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for mixed density residential development.		
Location: East of South Washington Street between the south Bismarck storm water channel and Burleigh Avenue (part of the NW¼ and Auditor's Lots B and C of Section 16, T138N-R80W/Lincoln Township).		
Project Size: 48.80 acres (entire plat) 28.81 acres (portion being annexed)	Number of Lots: 123 lots in 8 blocks (entire plat) 75 lots in 6 blocks (portion being annexed)	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential RM15 – Residential P – Public	Land Use: Single-family residential	
	Zoning: R5 – Residential R10 – Residential RM15 – Residential P – Public	
Uses Allowed: R5 – Single-family residential RM15 – Multi-family residential P – Public uses	Uses Allowed: R5 – Single-family residential R10 – One and two-family residential RM15 – Multi-family residential P – Public uses	
Maximum Density Allowed: R5 – 5 units/acre RM15 – 15 units/acre P – N/A	Maximum Density Allowed: R5 – 5 units/acre R10 – 10 units/acre RM15 – 15 units/acre P – N/A	
PROPERTY HISTORY:		
Zoned: 01/1986 (portion)	Platted: N/A	Annexed: 1980 (portion)
ADDITIONAL INFORMATION:		
<p>1. There is a 1.18-acre unplatted tract along the northern edge of the proposed plat that is owned by another party. This unplatted tract would also provide the needed connection for the two segments of Boston Drive. Efforts were made to include this property in the proposed plat, but the issue has not been resolved and it is our understanding it may be unresolvable.</p>		
FINDINGS:		
<p>1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.</p> <p style="text-align: right;"><i>(continued)</i></p>		

2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Southland 2nd Addition less that portion previously annexed (underlying Auditor's Lots C and D of Section 16, T138N-R80W/Lincoln Township).

Based on previous City Commission action, staff also recommends that the City initiate annexation of the unplatted 1.18-acre tract north of Southland 2nd Addition to eliminate the un-annexed donut hole created by this plat.

Proposed Annexation Southland 2nd Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: December 5, 2013 (hlb)

Source: City of Bismarck

0 700 1,400 Feet



ANNEXATION METES & BOUNDS FOR SOUTHLAND SECOND ADDITION:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6 BLOCK 4 COTTONWOOD LAKE FOURTH ADDITION; THENCE SOUTH 89 DEGREES 48 MINUTES 52 SECONDS WEST, ALONG THE SOUTH LINE OF SAID ADDITION, A DISTANCE OF 372.76 FEET TO THE WEST LINE OF COTTONWOOD LAKE NINTH ADDITION; THENCE SOUTH 00 DEGREES 43 MINUTES 55 SECONDS WEST, ALONG SAID WEST LINE AND ITS EXTENSION, A DISTANCE OF 855.24 FEET; THENCE SOUTH 51 DEGREES 59 MINUTES 11 SECONDS WEST, A DISTANCE OF 419.46 FEET TO THE SOUTHEAST CORNER OF AUDITOR'S LOT D OF SECTION 16; THENCE NORTHWESTERLY AND TO THE LEFT, ALONG THE EAST LINE OF SAID LOT D, ON A 716.20 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 69 DEGREES 50 MINUTES 30 SECONDS WEST, AN ARC LENGTH OF 170.81 FEET; THENCE NORTH 34 DEGREES 16 MINUTES 05 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 295.24 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, ON A 179.05 FOOT RADIUS CURVE, AN ARC LENGTH OF 21.88 FEET TO THE NORTH LINE OF SAID LOT D; THENCE SOUTH 62 DEGREES 43 MINUTES 55 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 8.71 FEET; THENCE SOUTHWESTERLY, AND TO THE RIGHT, CONTINUING ALONG SAID NORTH LINE, ON A 520.87 FOOT RADIUS CURVE, AN ARC LENGTH OF 318.18 FEET; THENCE NORTH 82 DEGREES 16 MINUTES 05 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 267.57 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID NORTH LINE, ON A 318.31 FOOT RADIUS CURVE, AN ARC LENGTH OF 211.11 FEET TO THE EAST LINE OF COTTONWOOD LAKE 6TH REPLAT; THENCE NORTH 11 DEGREES 07 MINUTES 15 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 305.55 FEET; THENCE NORTH 49 DEGREES 39 MINUTES 24 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 205.98 FEET TO THE SOUTHEAST LINE OF SOUTHLAND ADDITION; THENCE NORTH 40 DEGREES 25 MINUTES 48 SECONDS EAST, ALONG SAID SOUTHEAST LINE, A DISTANCE OF 139.36 FEET; THENCE NORTH 81 DEGREES 34 MINUTES 47 SECONDS EAST, CONTINUING ALONG SAID SOUTHEAST LINE, A DISTANCE OF 79.68 FEET; THENCE NORTH 40 DEGREES 25 MINUTES 48 SECONDS EAST, CONTINUING ALONG SAID SOUTHEAST LINE, A DISTANCE OF 100.00 FEET; THENCE NORTH 50 DEGREES 08 MINUTES 52 SECONDS EAST, CONTINUING ALONG SAID SOUTHEAST LINE, A DISTANCE OF 61.85 FEET; THENCE NORTH 24 DEGREES 16 MINUTES 48 SECONDS EAST, CONTINUING ALONG SAID SOUTHEAST LINE, A DISTANCE OF 130.00 FEET; THENCE NORTH 16 DEGREES 38 MINUTES 45 SECONDS EAST, CONTINUING ALONG SAID SOUTHEAST LINE, A DISTANCE OF 60.51 FEET; THENCE NORTH 24 DEGREES 18 MINUTES 06 SECONDS EAST, CONTINUING ALONG SAID SOUTHEAST LINE, A DISTANCE OF 129.84 FEET TO THE SOUTH LINE OF COTTONWOOD LAKE 4TH ADDITION; THENCE SOUTH 68 DEGREES 37 MINUTES 52 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 49.38 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 24 SECONDS WEST, A DISTANCE OF 97.94 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 58 SECONDS EAST, A DISTANCE OF 714.67 FEET TO THE SOUTH LINE OF COTTONWOOD LAKE 4TH ADDITION; THENCE SOUTH 36 DEGREES 35 MINUTES 55 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 99.90 FEET TO THE POINT OF BEGINNING.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Southland 2 nd Addition – Zoning Change (R5, RM15 & P to R5, R10, RM15 & P)		
Status: Planning Commission – Public Hearing	Date: April 23, 2014	
Owner(s): Sattler Family LLLP Bismarck Parks & Recreation District	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for mixed density residential development.		
Location: East of South Washington Street between the south Bismarck storm water channel and Burleigh Avenue (part of the NW¼ and Auditor's Lots B and C of Section 16, T138N-R80W/Lincoln Township).		
Project Size: 48.80	Number of Lots: 123 lots in 8 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential RM15 – Residential P – Public	Land Use: Single-family residential	
	Zoning: R5 – Residential R10 – Residential RM15 – Residential P – Public	
Uses Allowed: R5 – Single-family residential RM15 – Multi-family residential P – Public uses	Uses Allowed: R5 – Single-family residential R10 – One and two-family residential RM15 – Multi-family residential P – Public uses	
Maximum Density Allowed: R5 – 5 units/acre RM15 – 15 units/acre P – N/A	Maximum Density Allowed: R5 – 5 units/acre R10 – 10 units/acre RM15 – 15 units/acre P – N/A	
PROPERTY HISTORY:		
Zoned: 01/1986 (portion)	Platted: N/A	Annexed: 1980 (portion)
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. There is a 1.18-acre unplatted tract along the northern edge of the proposed plat that is owned by another party. This unplatted tract would also provide the needed connection for the two segments of Boston Drive. Efforts were made to include this property in the proposed plat, but the issue has not been resolved and it is our understanding that it may be unresolvable. 2. The Bismarck Parks and Recreation District has not yet accepted the areas identified as P-Public; however, this issue is on the agenda for the Park Board meeting on April 17, 2014 and action is expected to occur prior to the Planning & Zoning Commission meeting. If the areas are not accepted as expected, staff will change its recommendation at the meeting. 		

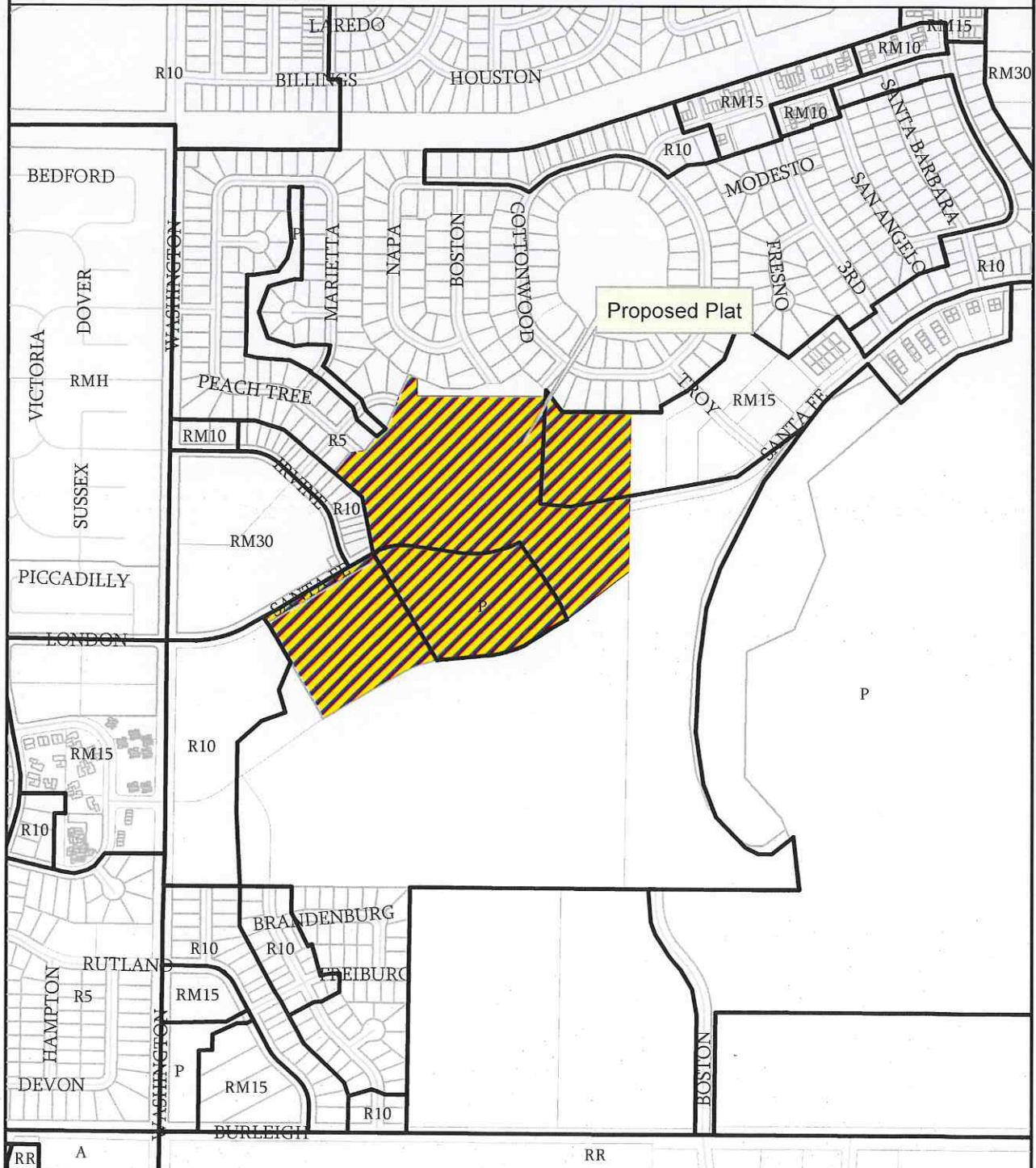
FINDINGS:

1. The proposed zoning change would be consistent with the Land Use Plan, which generally identifies the long range use of this area as single-family residential (South 12th Street Watershed Storm Water Management and Land Use Plan). The Future Land Use Plan (FLUP) in the Growth Management Plan Update does not include this area, as the proposed plat was already in process when the draft FLUP was finalized.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the northwest, north and northeast, undeveloped land to the east and south, and developing mixed-density residential to the west.
3. The entire subdivision would be annexed prior to development; therefore, the proposed zoning change would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential, RM15 – Residential and P – Public zoning districts to the R5 – Residential zoning district on Lots 1-6, Block 1, Lots 1-15, Block 2, Lots 1-5, Block 3, Lots 1-25, Block 4, Lots 1-6, Block 7 and Lots 1-36, Block 8; to the R10 – Residential zoning district on Lots 1-20, Block 5; to the RM15 – Residential zoning district on Lots 1-7, Block 6; and to the P – Public zoning district on Lot 26, Block 4 and Lot 37, Block 8, Southland 2nd Addition.

Proposed Plat & Zoning Change (R5, RM15 & P to R5, R10, RM15 & P) Southland 2nd Addition



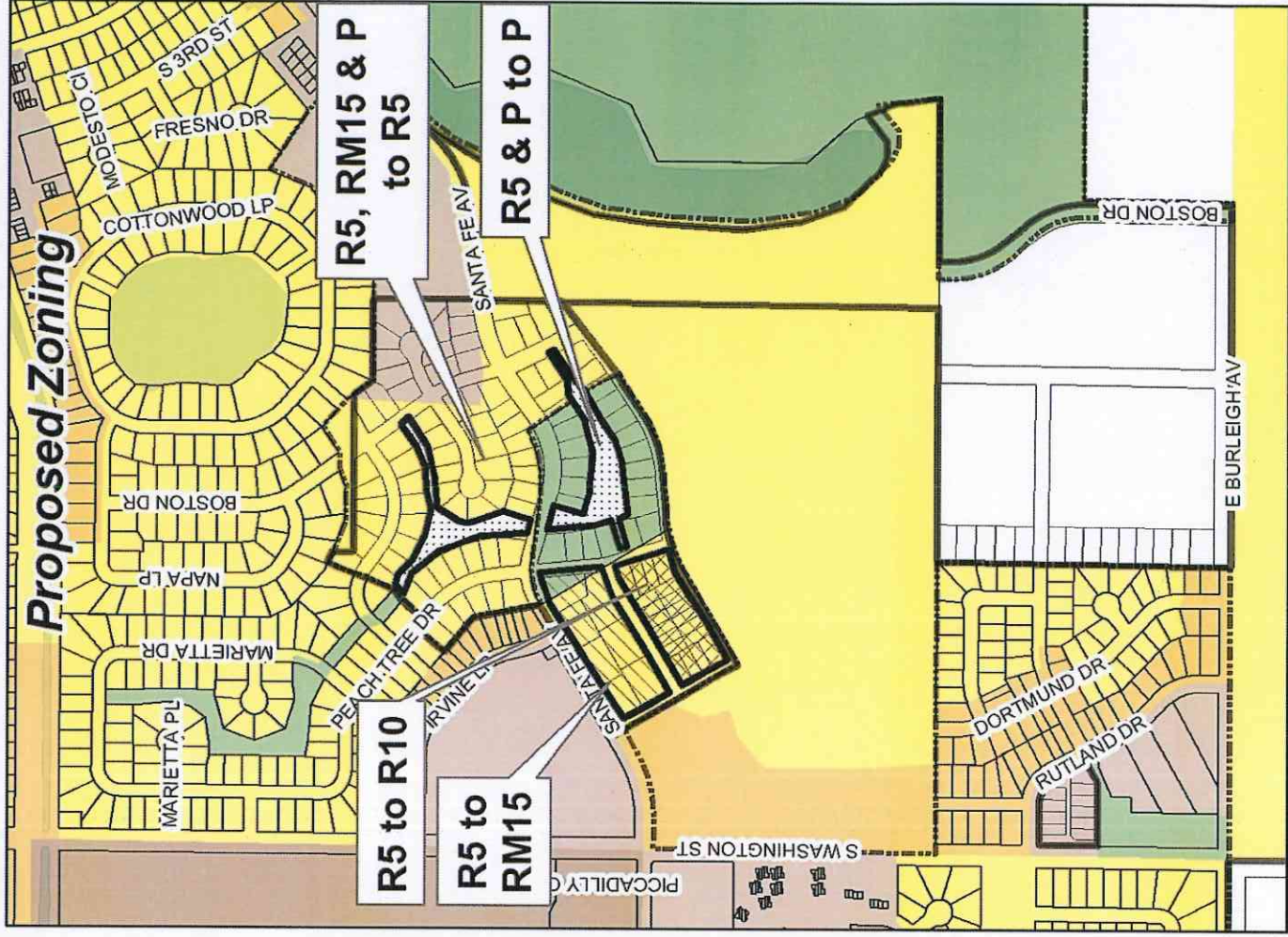
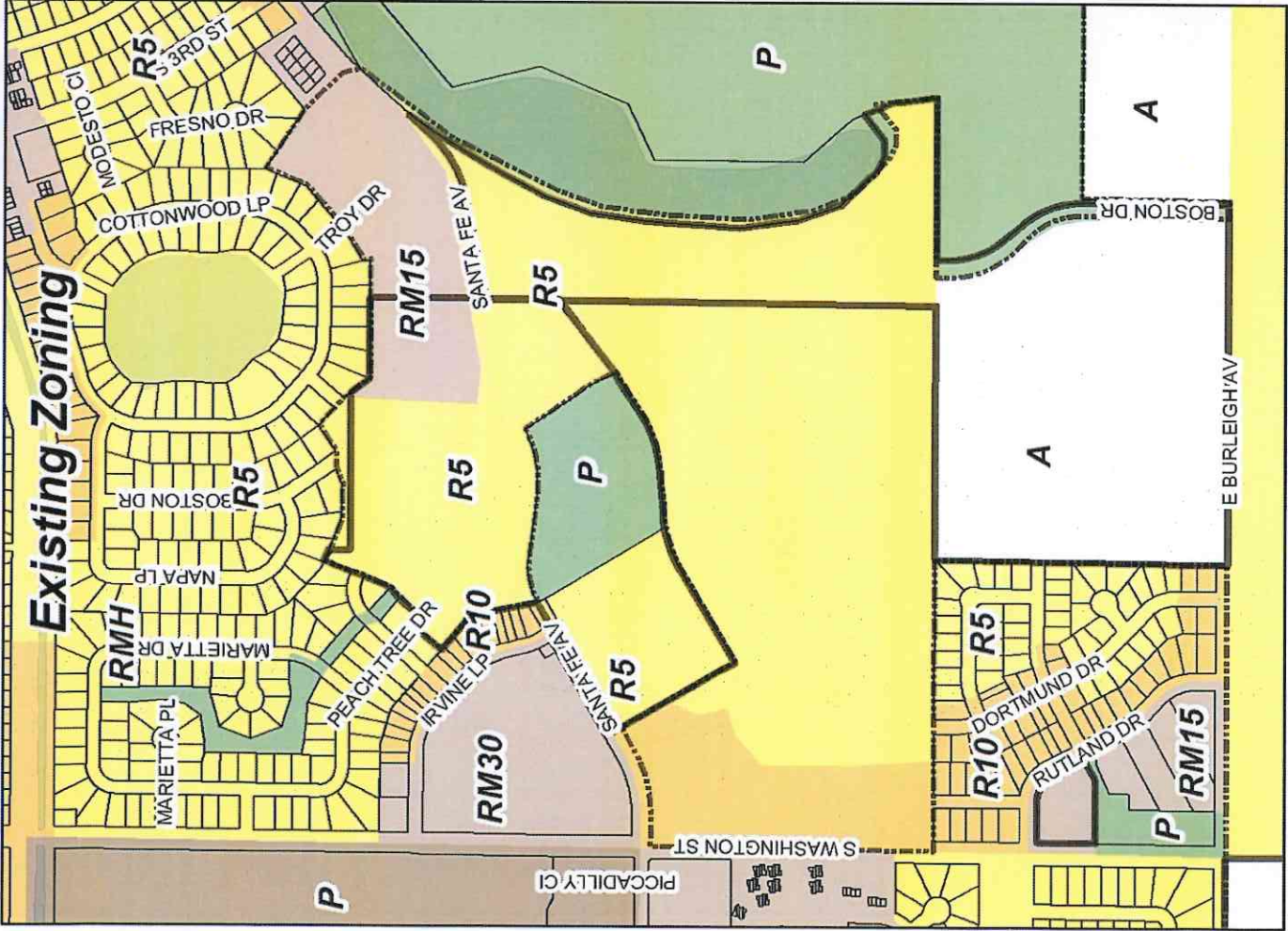
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: March 6, 2014 (hlb)

Source: City of Bismarck

0 700 1,400
Feet



Southland 2nd Addition - Zoning Change



Feet
0 250 500 1,000

April 2014

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Southland 2 nd Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: April 23, 2014	
Owner(s): Sattler Family LLLP Bismarck Parks & Recreation District	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for mixed density residential development.		
Location: East of South Washington Street between the south Bismarck storm water channel and Burleigh Avenue (part of the NW¼ and all of Auditor's Lots C and D of Section 16, T138N-R80W/Lincoln Township).		
Project Size: 48.80 acres	Number of Lots: 123 lots in 8 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential RM15 – Residential P – Public	Land Use: Single-family residential	
	Zoning: R5 – Residential R10 – Residential RM15 – Residential P – Public	
Uses Allowed: R5 – Single-family residential RM15 – Multi-family residential P – Public uses	Uses Allowed: R5 – Single-family residential R10 – One and two-family residential RM15 – Multi-family residential P – Public uses	
Maximum Density Allowed: R5 – 5 units/acre RM15 – 15 units/acre P – N/A	Maximum Density Allowed: R5 – 5 units/acre R10 – 10 units/acre RM15 – 15 units/acre P – N/A	
PROPERTY HISTORY:		
Zoned: 01/1986	Platted: N/A	Annexed: 1980 (portion)
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. There is a 1.18-acre unplatted tract along the northern edge of the proposed plat that is owned by another party. This unplatted tract would also provide the needed connection for the two segments of Boston Drive. Efforts were made to include this property in the proposed plat, but the issue has not been resolved and it is our understanding that it may be unresolvable. 2. The Bismarck Parks and Recreation District has not yet accepted the areas identified as P-Public; however, this issue is on the agenda for the Park Board meeting on April 17, 2014 and action is expected to occur prior to the Planning & Zoning Commission meeting. If the areas are not accepted as expected, staff will change its recommendation at the meeting. 		

FINDINGS:

1. The preliminary plat received tentative approval on October 23, 2013.
2. All technical requirements for approval of a final plat have been met.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Santa Fe Drive as the east-west collector for this section and Boston Drive south of Santa Fe Drive as the north-south collector for this section.
5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the northwest, north and northeast, undeveloped land to the east and south, and developing mixed-density residential to the west.
6. The entire subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
7. The proposed subdivision would not adversely affect property in the vicinity.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat for Southland 2nd Addition.

PART OF THE NORTHWEST 1/4
OF SECTION 16, T. 138 N., R. 80 W.

BISMARCK, NORTH DAKOTA



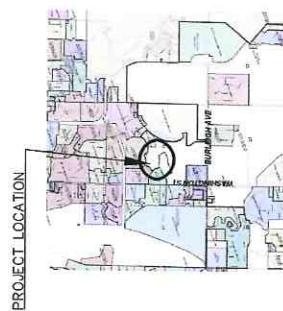
SCALE - 1"=80'



34.30 ACRES
EXISTING ZONING: R5, RM15, P
PROPOSED ZONING: R5, P
83 LOTS

**ROBB SATTLER
SATTLER FAMILY, L.L.P.
PO BOX 7218
BISMARCK, ND 58507
701-255-7621**

FIRM MAP NUMBER 36015C0795C
100 YEAR FLOOD PLAIN ELEVATION: 1634 (NAVD 88)



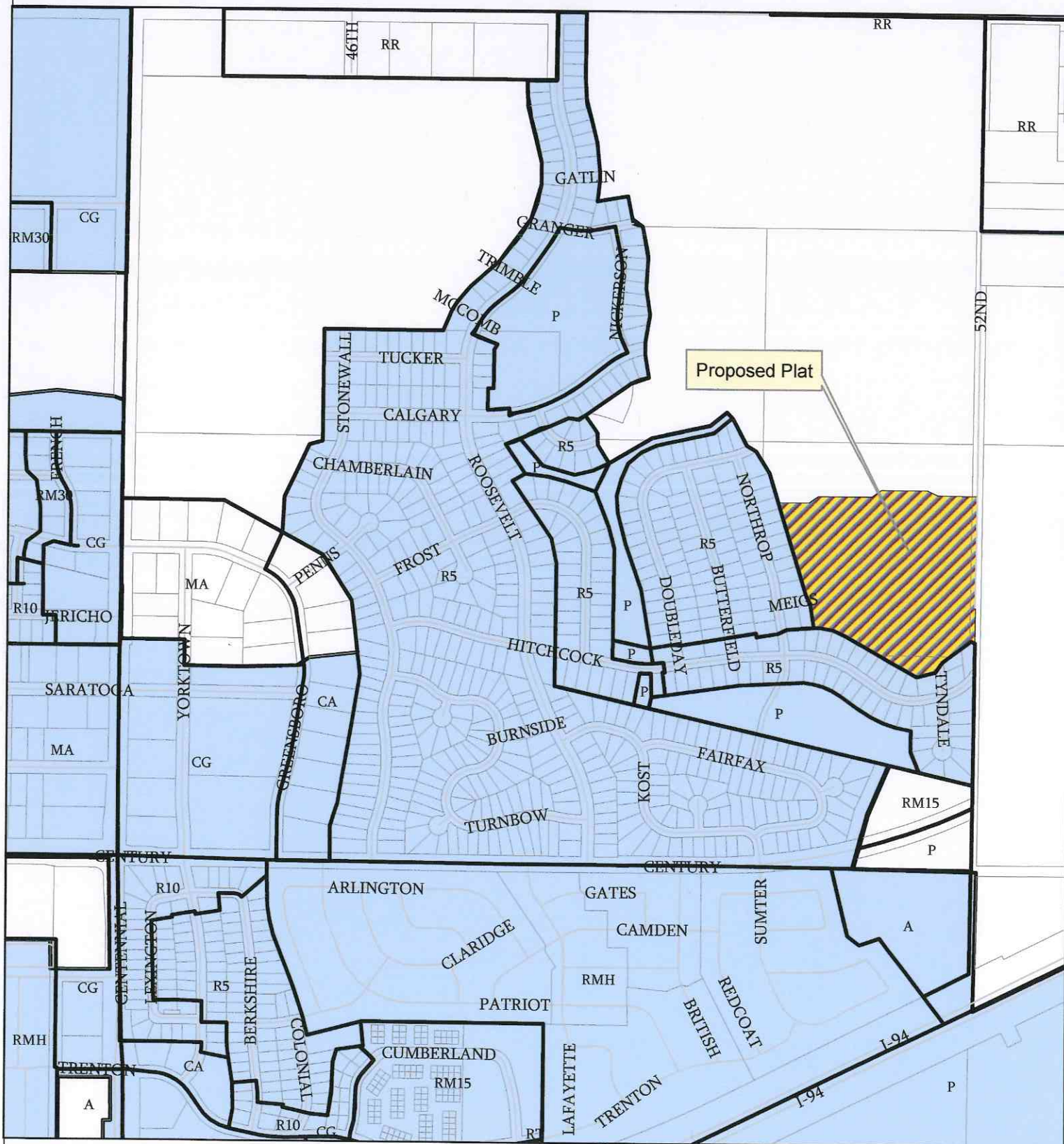
LOCATION MAP



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Sattler's Sunrise 10 th Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: April 23, 2014	
Owner(s): Sattler Family, LLLP	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for single-family residential development.		
Location: East of Centennial Road between East Century Avenue and 43 rd Avenue NE (part of the SE¼ of Section 24, T139N-R80W/Hay Creek Township).		
Project Size: 21.22 acres	Number of Lots: 60 lots in 6 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single-family residential	
Uses Allowed: A – Agricultural uses	Zoning: R5 – Residential	
Maximum Density Allowed: A – 1 unit/40 acres	Uses Allowed: R5 – Single-family residential	
	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends approval of the annexation of Sattler's Sunrise 10 th Addition.		

Proposed Annexation Sattler's Sunrise 10th Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Map was Updated/Created: November 18, 2013 (hib)

Source: City of Bismarck

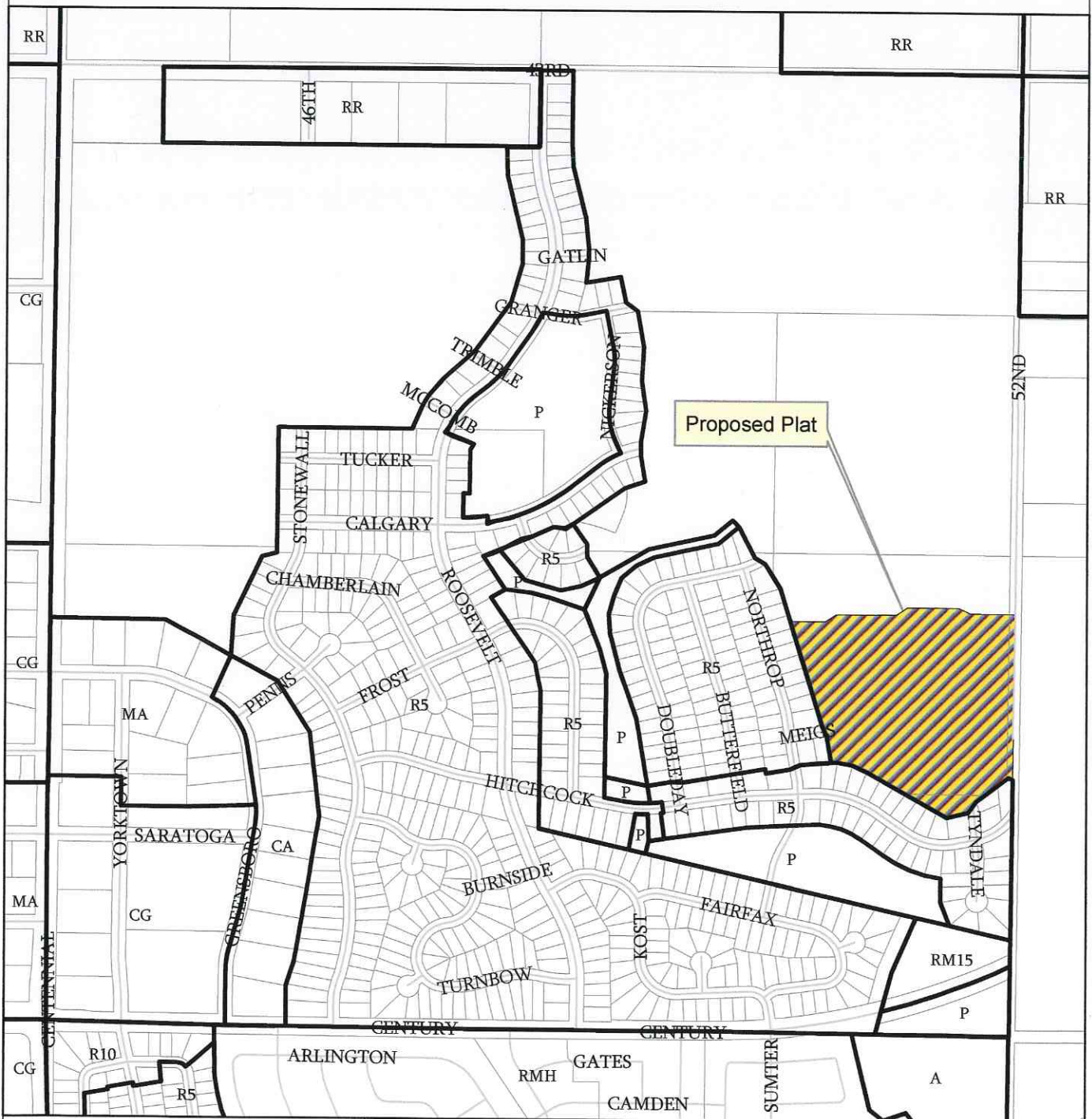


BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Sattler's Sunrise 10 th Addition – Zoning Change (A to R5)		
Status: Planning Commission – Public Hearing	Date: April 23, 2014	
Owner(s): Sattler Family, LLLP	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for single-family residential development.		
Location: East of Centennial Road between East Century Avenue and 43 rd Avenue NE (part of the SE¼ of Section 24, T139N-R80W/Hay Creek Township).		
Project Size: 21.22 acres	Number of Lots: 60 lots in 6 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single-family residential	
Uses Allowed: A – Agricultural uses	Zoning: R5 – Residential	
Maximum Density Allowed: A – 1 unit/40 acres	Uses Allowed: R5 – Single-family residential	
	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan). The proposed zoning change would also be consistent with the Future Land Use Plan (FLUP) in the Growth Management Plan Update, which identifies this area as MDR (low density residential). 2. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include single-family residential and an elementary school to the west, single-family residential to the south, and undeveloped A-zoned property to the north and east. 3. The entire subdivision would be annexed prior to development; therefore, the proposed zoning change would not place an undue burden on public services and facilities, provided the plat is extended to the eastern edge of the applicant's property in order to provide services to the adjacent property owner. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		

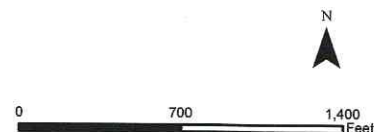
RECOMMENDATION:
Based on the above findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district for the Sattler’s Sunrise 10 th Addition.

Proposed Plat & Zoning Change (A to R5) Sattler's Sunrise 10th Addition

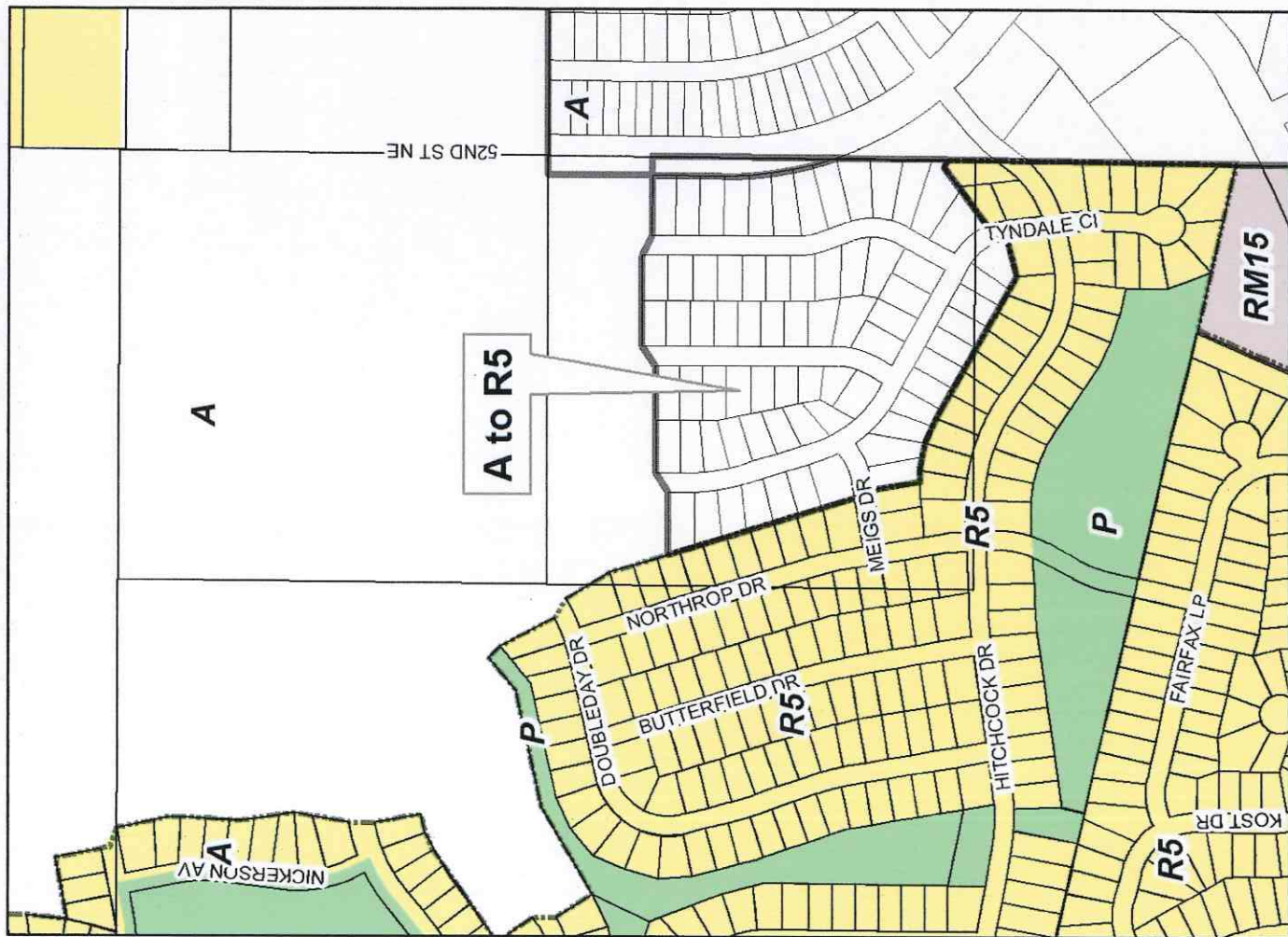
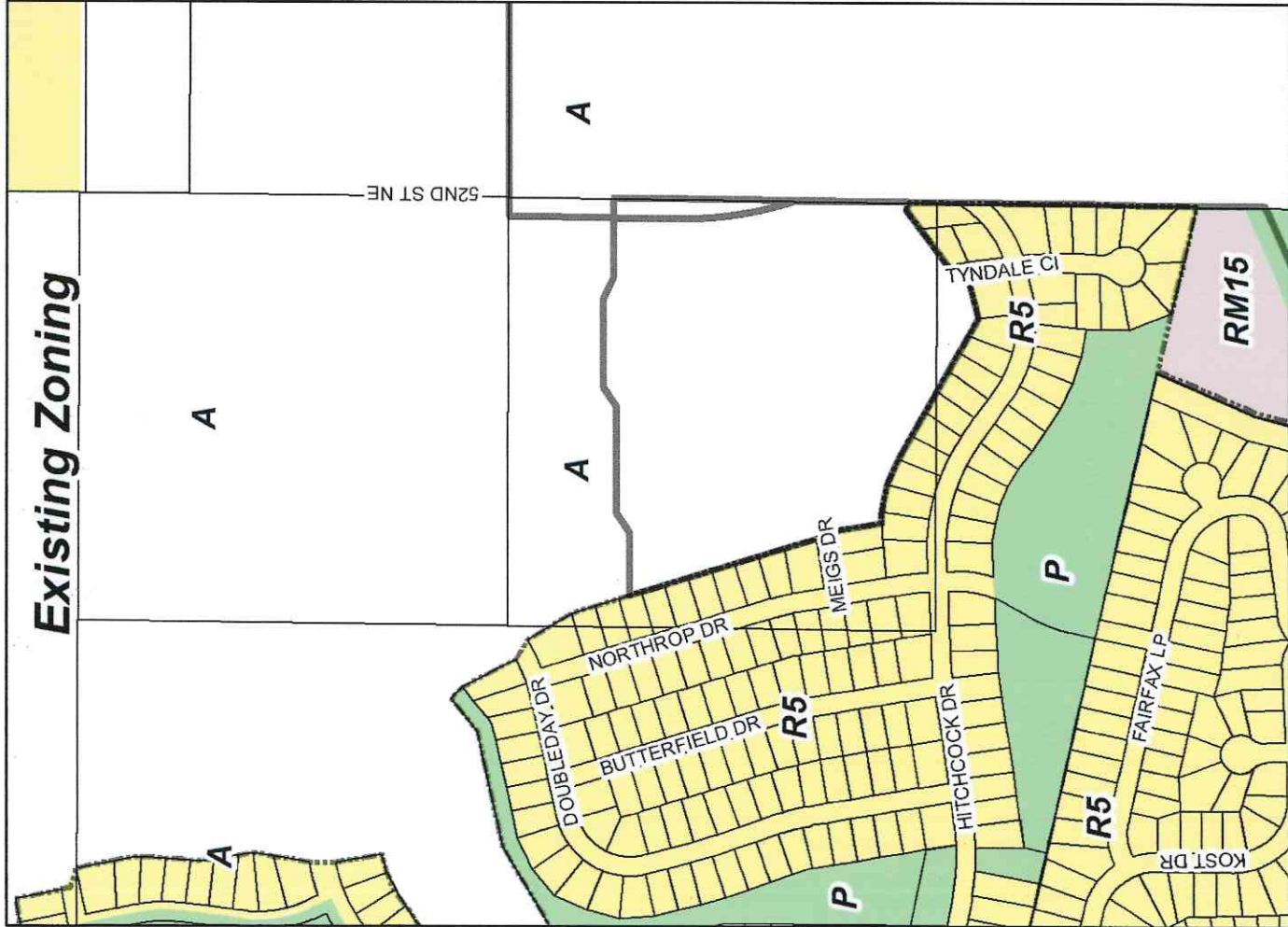


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: December 12, 2013 (klee)

Source: City of Bismarck



Sattler's Sunrise 10th Addition - Zoning Change



BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Sattler's Sunrise 10 th Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: April 23, 2014	
Owner(s): Sattler Family, LLLP	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat, zone and annex property for single-family residential development.		
Location: East of Centennial Road between East Century Avenue and 43 rd Avenue NE (part of the SE¼ of Section 24, T139N-R80W/Hay Creek Township).		
Project Size: 21.22 acres	Number of Lots: 60 lots in 6 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single-family residential	
Uses Allowed: A – Agricultural uses	Zoning: R5 – Residential	
Maximum Density Allowed: A – 1 unit/40 acres	Uses Allowed: R5 – Single-family residential	
	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. When Sattler's Sunrise 9th Addition was platted in 2012, there were discussions between the developer's consulting engineer and the adjacent property owner regarding the alignment of Calgary Avenue. In particular, the adjacent property owner was concerned that the alignment of Calgary Avenue as it met his property would adversely impact his development plans. Staff was under the impression that this issue had been resolved prior to the recording of the plat for Sattler's Sunrise 9th Addition, but it appears that we were mistaken. 2. The proposed plat stops approximately 450 feet short of the northern edge of the property owned by the applicant. During review of the preliminary plat, it was noted that extending this plat to the northern boundary of this parcel would allow the property owner to the north to have access to municipal services. Since that time, it has been discussed further at the staff level and it has been determined that because of the topography of the parcel to the north, sanitary service will need to come from multiple directions. Although staff continues to have concerns with not platting to the edge of parcels and providing utility service to the adjacent owner (as this practice prohibits the orderly development of the city), staff's position on this particular situation has changed. 3. The proposed plat abuts 52nd Street NE. A decision should be made as this area develops whether or not improvements are needed on 52nd Street NE in order to provide an alternative access route to development in this section. 		

FINDINGS:

1. The preliminary plat received tentative approval on December 18, 2013, with the understanding that a public hearing on the final plat would not be scheduled unless the plat was extended to the northern boundary of the applicant's property and an agreement is reached with the adjacent land owner and the City on the alignment of Calgary Avenue. The revised layout does not preclude Calgary Avenue be centered on the quarter-section line, nor does it require that alignment. In addition, it has been determined that sanitary sewer service for the property to the north will need to be provided from multiple directions because of the topography.
2. All technical requirements for approval of a final plat have been met.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Calgary Avenue as the east-west collector for this section. The alignment of Calgary Avenue was moved approximately 500 feet to the north with the Sattler's Sunrise 9th Addition plat, although it can be moved back to the south closer to the original proposed alignment with this plat.
5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include single-family residential and an elementary school to the west, single-family residential to the south, and undeveloped A-zoned property to the north and east.
6. The entire subdivision would be annexed prior to development. It would not place an undue burden on public services and facilities, provided the plat is extended to the eastern edge of the applicant's property in order to provide services to the adjacent property owner.
7. The proposed subdivision would not adversely affect property in the vicinity. Although it would be desirable to have the plat extended to the northern edge of the applicant's property in order to provide services to the adjacent property owner, the applicant does not wish to plat more lots at this time.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

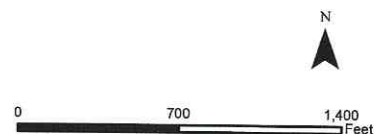
Based on the above findings, staff recommends approval of the final plat for Sattler's Sunrise 10th Addition, with the understanding that the next phase of development will need to be extended to the edge of the property to the north in a manner that allows services to be extended to that property.

Proposed Plat & Zoning Change (A to R5) Sattler's Sunrise 10th Addition



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Map was Updated/Created: December 12, 2013 (klee)

Source: City of Bismarck



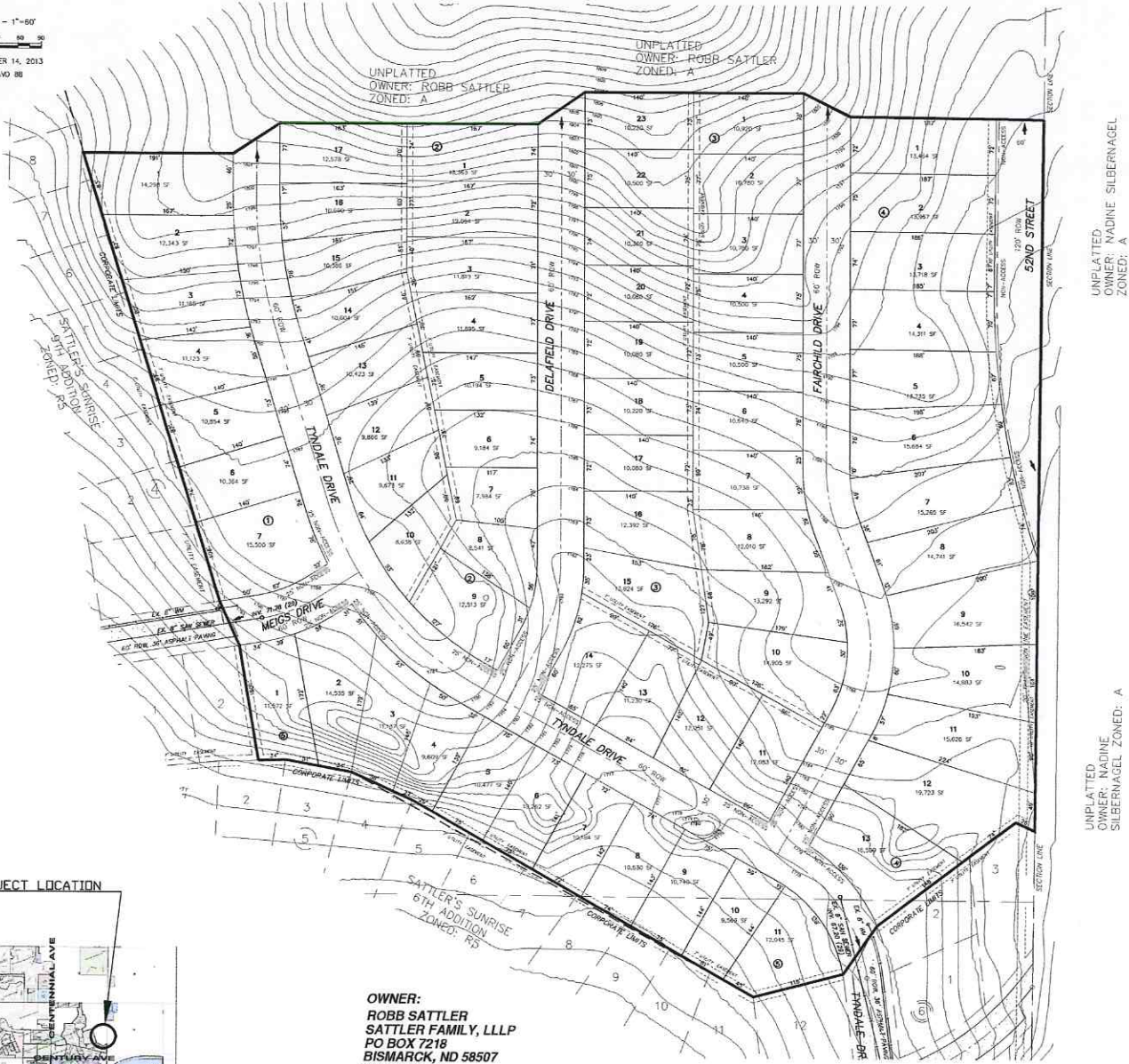
SATTLE'S SUNRISE 10TH ADDITION

PART OF THE SOUTHEAST 1/4
OF SECTION 24, T. 139 N., R. 80 W.

BISMARCK, NORTH DAKOTA



SCALE - 1"=60'
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NOVEMBER 14, 2013
NAVO 08



PROJECT LOCATION

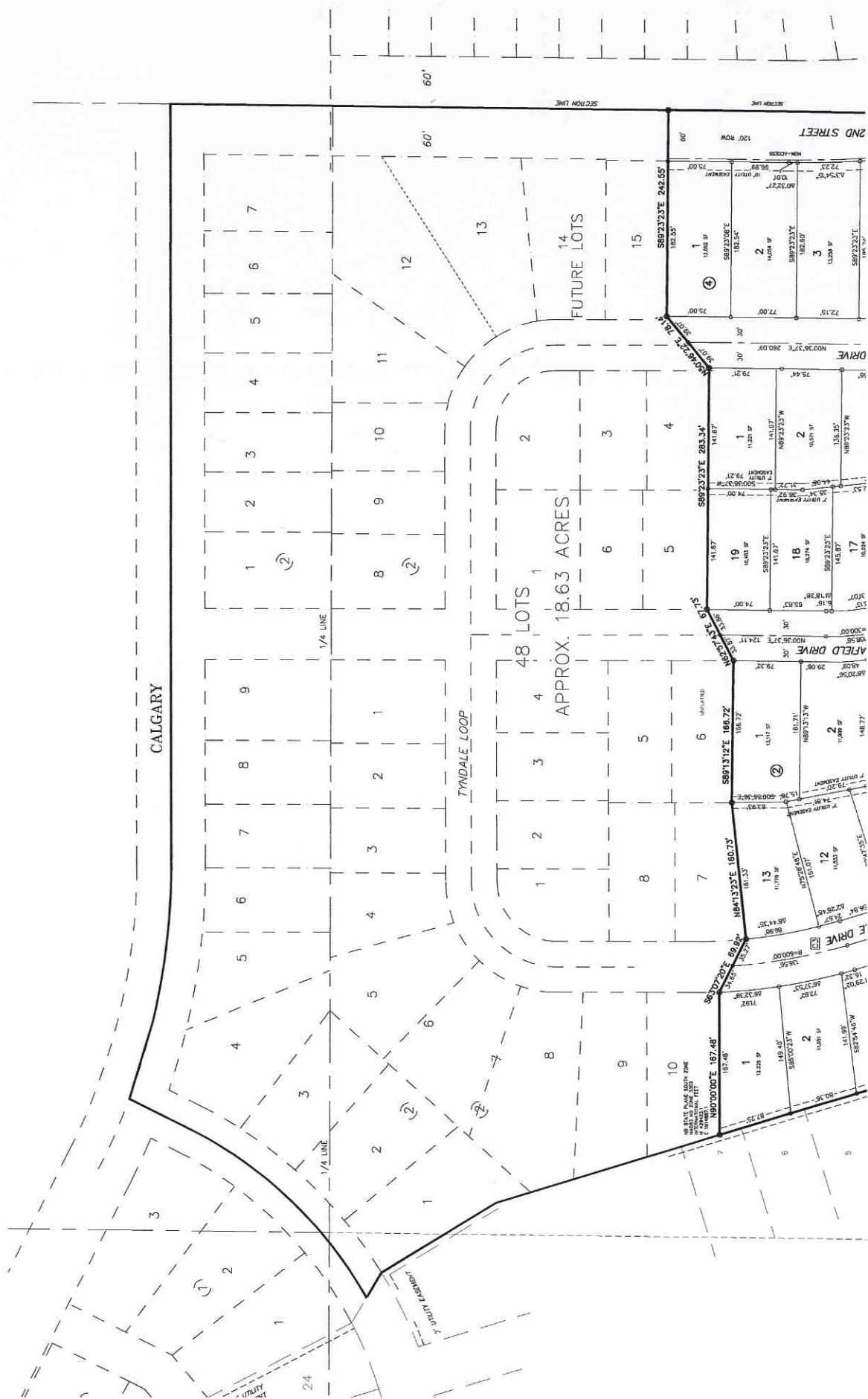


LOCATION MAP

OWNER:
ROBB SATTLE
SATTLE FAMILY, LLLP
PO BOX 7218
BISMARCK, ND 58507
701-255-7628

24.49 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R5
71 LOTS





**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: University of Mary Subdivision – Zoning Change (A & RR to P)	
Status: Planning Commission – Public Hearing	Date: April 23, 2014
Owner(s): University of Mary	Engineer: Swenson, Hagen & Co.
Reason for Request: Plat and rezone property for further development of university campus.	
Location: Along the west side of ND Highway 1804 approximately two miles south of 48 th Avenue SE (Government Lots 14, 15 & 16 of Section 34 and parts of Lots 4, 5, 6 & 7, Block 1, Rockstad Subdivision of the NW¼ and part of the SW¼ of Section 35, T138N-R80W/Lincoln Township, and part of Government Lot 1 of the NE¼ of Section 3 and part of Government Lot 4 of the NW¼ of Section 2, T137N-R80W/Fort Rice Township).	
Project Size: 203.24	Number of Lots: 7 lots in 1 block
EXISTING CONDITIONS:	
Land Use: University campus	PROPOSED CONDITIONS:
Zoning: A – Agricultural RR – Residential	Land Use: University campus Zoning: P – Public
Uses Allowed: A – Agriculture RR – Rural residential	Uses Allowed: P – Public uses, including educational facilities
Maximum Density Allowed: A – One unit/40 acres RR – One unit/65,000sf	Maximum Density Allowed: P – No density indicated – dormitory and similar residential allowed in conjunction with educational facility
PROPERTY HISTORY:	
Zoned: 12/1976 (Sections 34 and 35)	Platted: 01/1981 (Rockstad Subdivision)
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. The storm water management plan for the final plat of University of Mary Subdivision has not yet been approved by the City Engineer, as written concurrence from the County Engineer has not yet been received. 2. Although the P-Public zoning district has historically been used only for lands owned by a public entity, staff is of the opinion that this district is the most appropriate for this property as the University of Mary is a quasi-public institution. 	
FINDINGS:	
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as rural residential and parks/open space (Bismarck-Mandan Regional Future Land Use Plan). The proposed zoning change would also be consistent with Future Land Use Plan (FLUP) in the draft Growth Management Plan Update, which identifies this area as a civic or public facility. 	

(continued)

4. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a combination of agricultural uses and rural residential to the north, east and south and to the west across Apple Creek.
5. The property is already developed and is served by public services and facilities; therefore, the zoning change would not place an undue burden on public services and facilities.
6. The proposed zoning change would not adversely affect property in the vicinity.
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

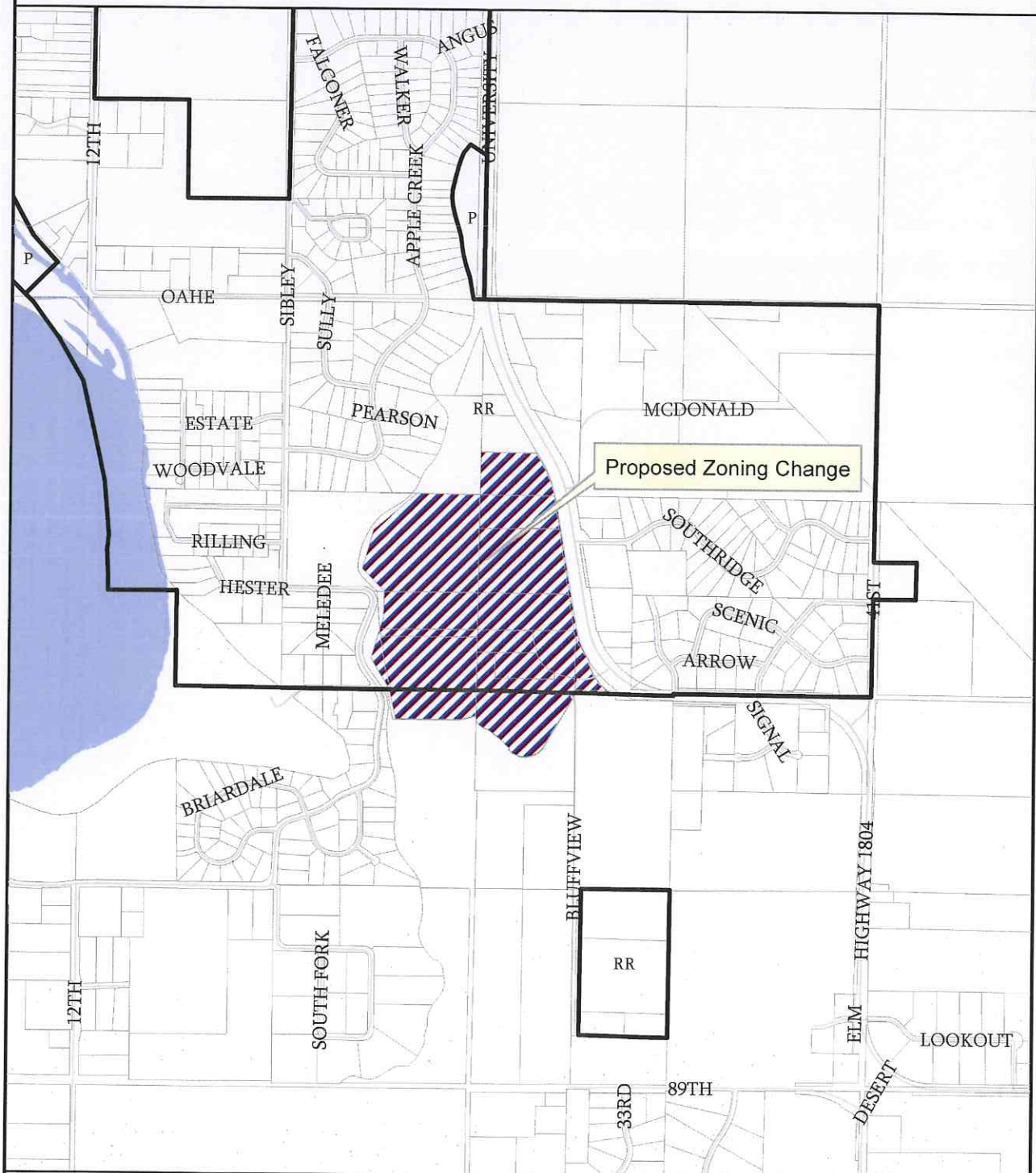
RECOMMENDATION:

Because the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends continuing the public hearing on the proposed zoning change until the storm water management plan has been approved by the City Engineer. This will also provide additional time for adjacent land owners to work with the University to resolve any outstanding issues.

If the storm water management plan is approved by the City Engineer prior to the Planning & Zoning Commission meeting, staff will change its recommendation to:

Based on the above findings, staff recommends approval of the zoning change from A – Agricultural and RR – Residential zoning districts to the P – Public zoning district for University of Mary Subdivision.

Proposed Plat and Zoning Change (A & RR to P) University of Mary Subdivision



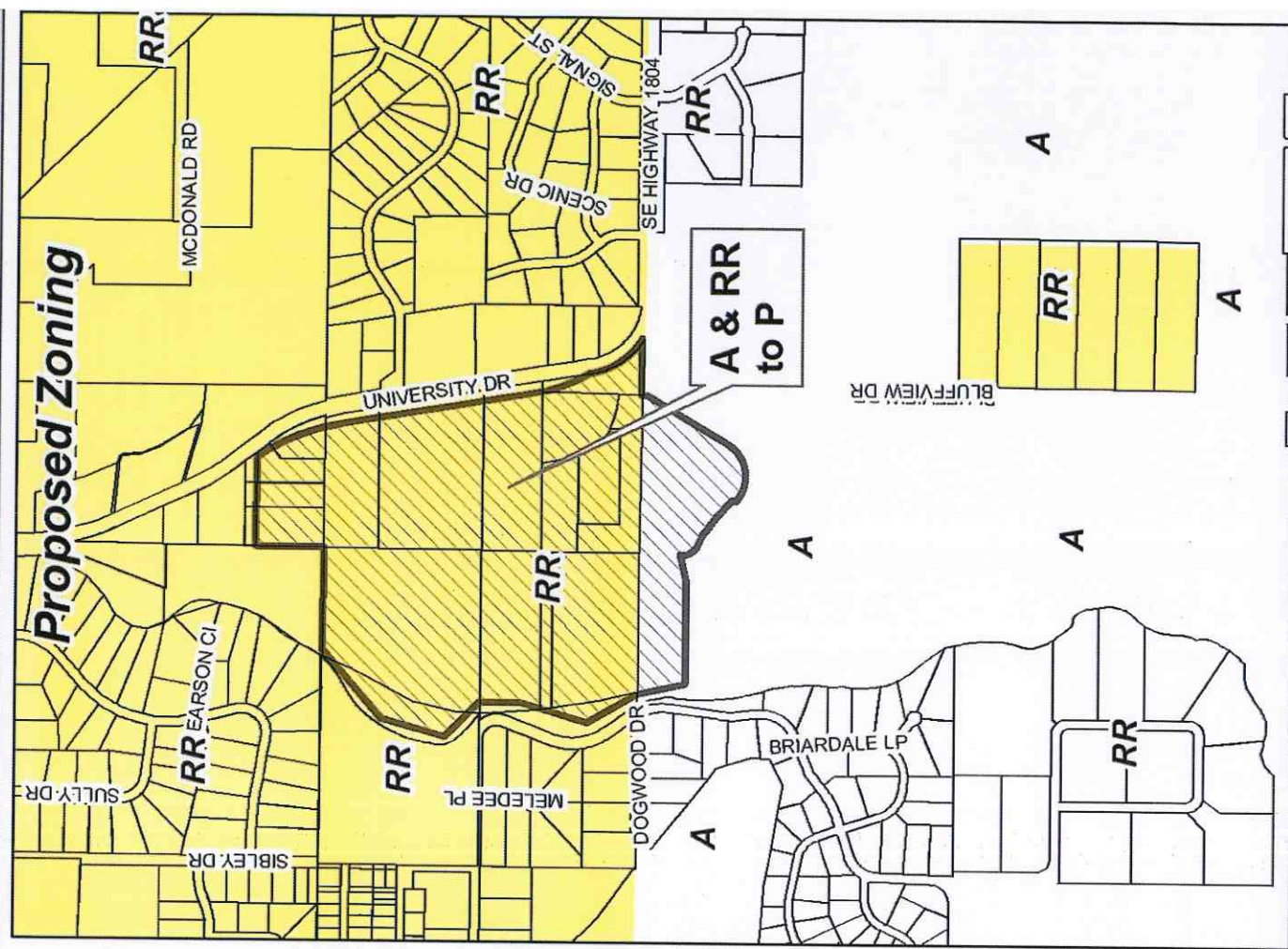
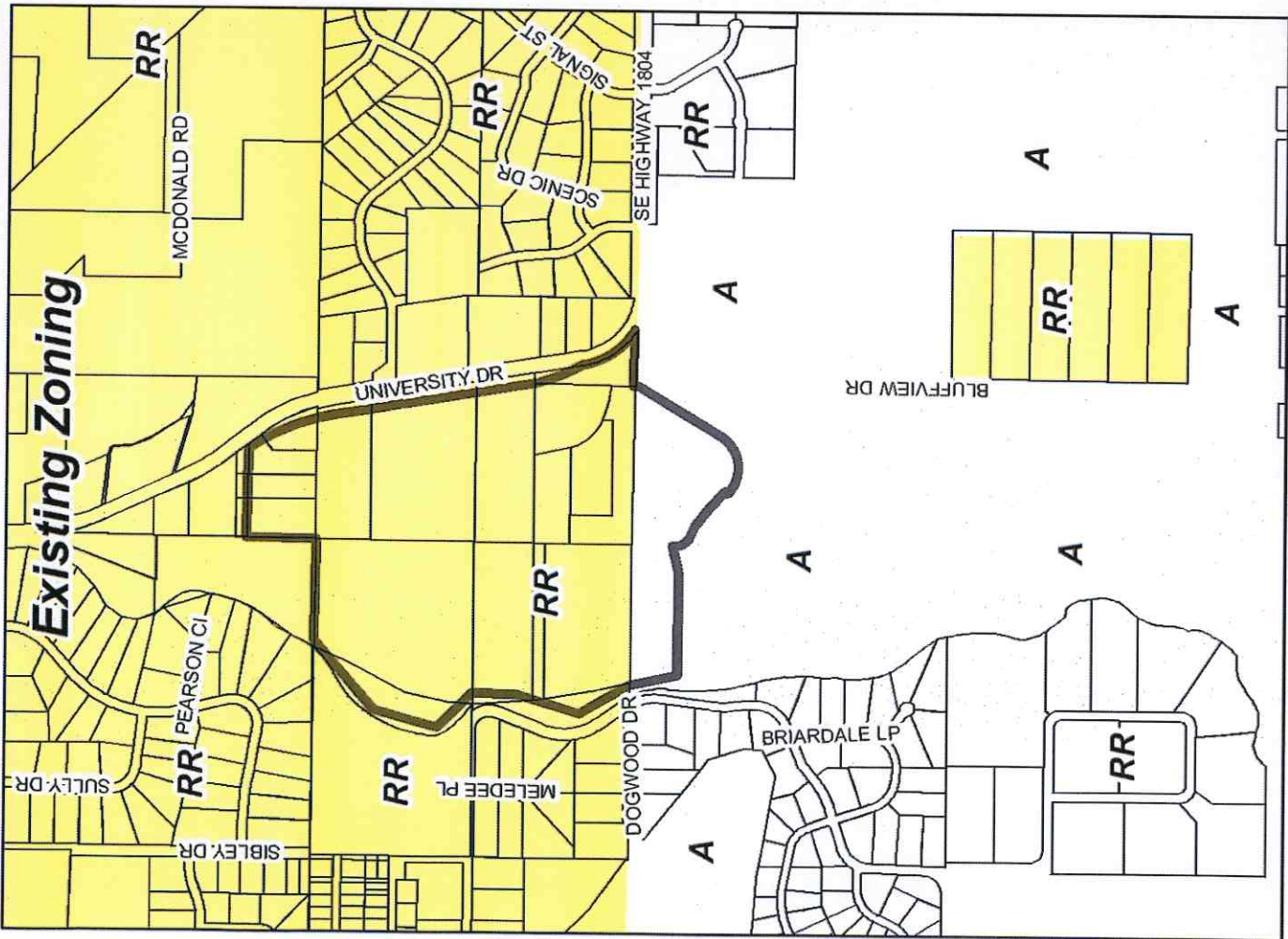
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/16/2014(hlb)

Source: City of Bismarck

0 1,800 3,600 Feet



University of Mary Subdivision - Zoning Change



February 2013

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:	
Title: University of Mary Subdivision – Final Plat	
Status: Planning Commission – Public Hearing	Date: April 23, 2014
Owner(s): University of Mary	Engineer: Swenson, Hagen & Co.
Reason for Request: Plat and rezone property for further development of university campus.	
Location: Along the west side of ND Highway 1804 approximately two miles south of 48 th Avenue SE (Government Lots 14, 15 & 16 of Section 34 and parts of Lots 4, 5, 6 & 7, Block 1, Rockstad Subdivision of the NW¼ and part of the SW¼ of Section 35, T138N-R80W/Lincoln Township, and part of Government Lot 1 of the NE¼ of Section 3 and part of Government Lot 4 of the NW¼ of Section 2, T137N-R80W/Fort Rice Township).	
Project Size: 203.24	Number of Lots: 7 lots in 1 block
EXISTING CONDITIONS:	
Land Use: University campus	PROPOSED CONDITIONS:
Land Use: University campus	Land Use: University campus
Zoning: A – Agricultural RR - Residential	Zoning: P – Public
Uses Allowed: A – Agriculture RR – Rural residential	Uses Allowed: P – Public uses, including educational facilities
Maximum Density Allowed: A – One unit/40 acres RR – One unit/65,000sf	Maximum Density Allowed: P – No density indicated – dormitory and similar residential allowed in conjunction with educational facility
PROPERTY HISTORY:	
Zoned: 12/1976 (Sections 34 and 35)	Platted: 01/1981 (Rockstad Subdivision)
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. The plat is being proposed at the request of the City to clean up the underlying legal description and allow further development of the University of Mary campus. 2. The plat has been modified since tentative approval of the preliminary plat. In particular, the area occupied by a pond and the University's lagoon system was removed from the plat. 3. The proposed plat is located within four sections. The proposed lot lines follow the quarter-section lines; however, the location of these lot lines bisects some of the existing buildings. In order to address this issue, all of the lots should be combined as one parcel by the County Auditor's Office when the plat is recorded. 4. There are section lines that pass through the proposed plat and some of the existing buildings within the proposed plat. These section lines were vacated by the Burleigh County Commission on December 16, 2013. 	
(continued)	

5. When the area that was platted as Rockstad Subdivision was acquired by the University of Mary in 2002, there was a verbal agreement between the University and the property owners to the north that this area would be used as a buffer area between the University and the rural residential parcels to the north, and that this area would not be developed as part of the University. The construction of the apartment-style dormitories on this parcel in 2012-2013 was seen by these property owners as a violation of this verbal agreement and they would like some assurance that additional development will not occur in this location.
6. The property owners to the northwest have requested the University of Mary to provide an access easement on the plat for the northern portion of their property. It is our understanding that the University has denied this request. These property owners are also concerned about encroachment of University uses up to their property line and would prefer that some type of buffer be maintained around the perimeter of the University property.
7. Planning staff had requested a no-build easement be added to the plat for the area north of the new apartment-style dormitories and below the top of the hill in an effort to provide a buffer area between the University use and the rural residential uses to the north. The plat does include a 200-foot landscape easement over the northern 200 feet of the Lot 1, but it this easement does not extend to the top of the hill. The property owners to the north would like to see a no build easement over all of the undeveloped property north of the road that provides access to the apartment-style dormitories.

FINDINGS:

1. The preliminary plat received tentative approval on February 27, 2013, with the understanding that the issues relating to the lot layout and the section lines are resolved prior to the submittal of the final plat. The size of the plat has been reduced since that time, with the area south of the main roadway through the campus being removed from the plat.
2. All technical requirements for approval of a final plat have been met.
3. The storm water management plan has not been approved by the City Engineer, as written concurrence from the County Engineer has not been received.
4. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for the area, which identifies ND Highway 1804 as an arterial roadway.
5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of agricultural uses and rural residential to the north, east and south and to the west across Apple Creek.
6. The property is already developed and is served by public services and facilities; therefore, the subdivision would not place an undue burden on public services and facilities.
7. The proposed subdivision would not adversely affect property in the vicinity.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
9. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

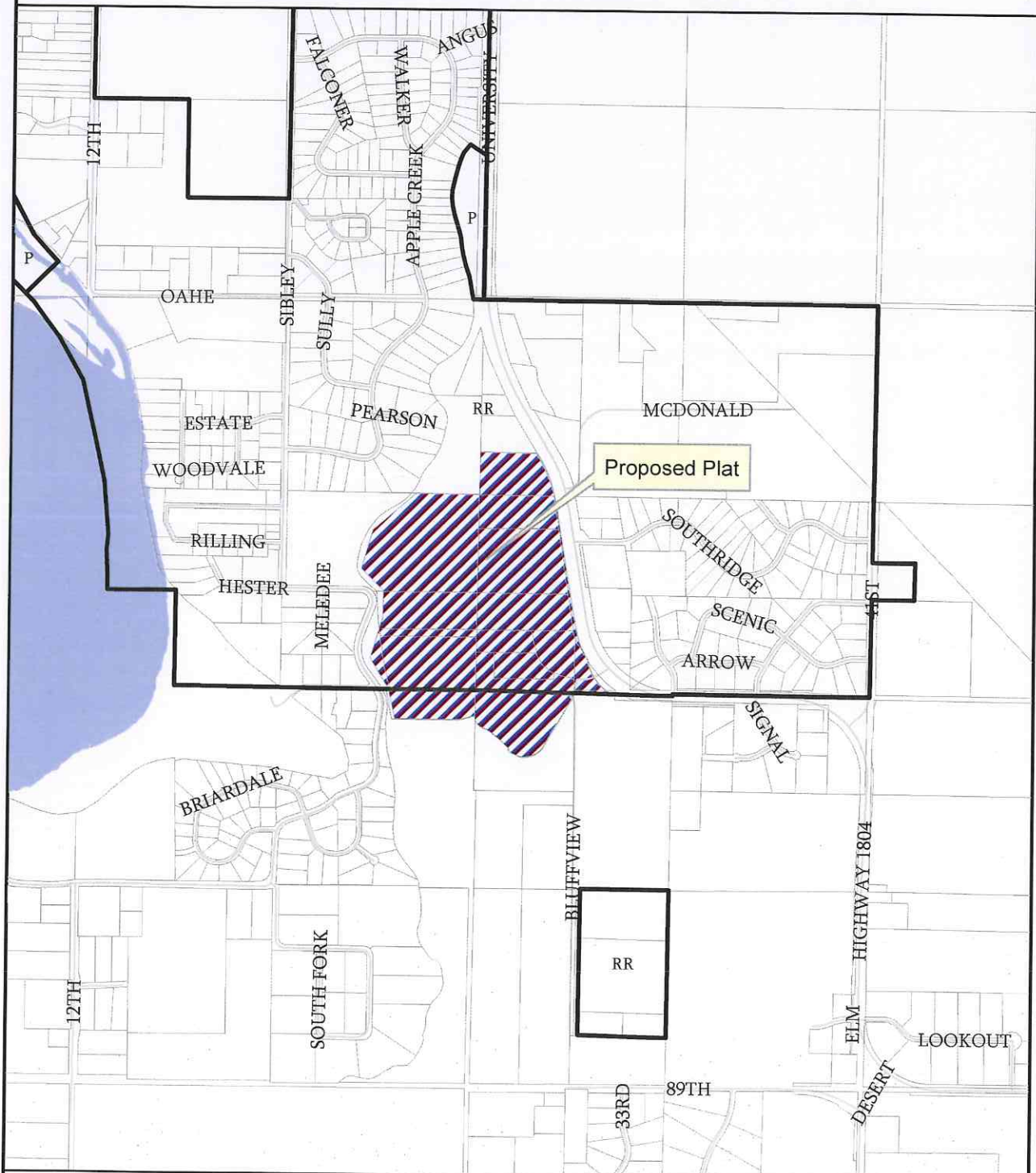
RECOMMENDATION:

Based on the above findings, staff recommends continuing the public hearing on the final plat until the storm water management plan has been approved by the City Engineer. This will also provide additional time for adjacent land owners to work with the University to resolve any outstanding issues.

If the storm water management plan is approved by the City Engineer prior to the Planning & Zoning Commission meeting, staff will change its recommendation to:

Based on the above findings, staff recommends approval the final plat of the University of Mary Subdivision, with the understanding that the no-build/landscape easement will be extended to the top of the hill, a landscape plan for this area will be submitted for City review and approval prior to any additional building permits being issued for the property, and that all of the lots will all be administratively combined as one parcel by the County Auditor's Office when the plat is recorded to eliminate property lines from bisecting existing buildings.

Proposed Plat and Zoning Change (A & RR to P) University of Mary Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/11/2014(hlb)

Source: City of Bismarck

0 1,800 3,600
Feet



APR 10 2014

UNIVERSITY OF MARY SUBDIVISION

BISMARCK, BURLEIGH COUNTY NORTH DAKOTA

GOVERNMENT LOTS 14, 15 & 16 OF THE SE 1/4 OF SECTION 34 AND PARTS OF LOTS 4, 5, 6 AND 7 OF ROCKSTAD SUBDIVISION OF THE NW 1/4 OF SECTION 35 & PART OF THE SW 1/4 OF SECTION 35, T. 138 N., R. 80 W., AND PART OF GOVERNMENT LOT 1 OF THE NE 1/4 OF SECTION 3, AND PART OF GOVERNMENT LOT 4 OF THE NW 1/4 OF SECTION 2, T. 137 N., R. 80 W.,

NOTES

BASE OF RECORD
NORTH DAKOTA CITY RECORD, SOUTH DAKOTA CITY

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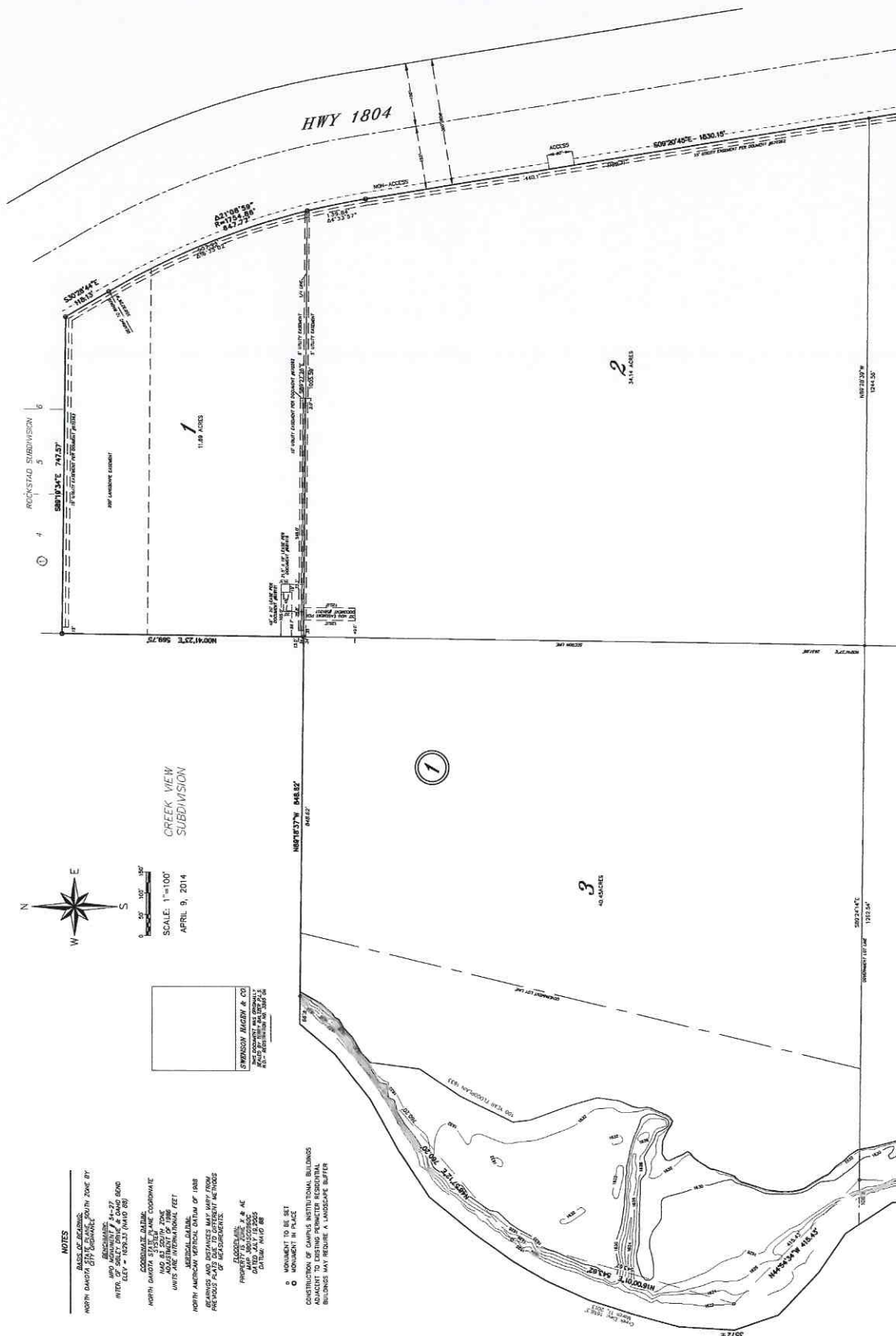
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SCALE: 1"=100'

CREEK VIEW
SUBDIVISION

APRIL 9, 2014

SWENSON HAGEN & COMPANY P.C.
REGISTERED PROFESSIONAL LAND SURVEYORS
NORTH DAKOTA
1100 14TH AVE. S.W.
BISMARCK, ND 58501-1100
TEL: 701.781.1100
FAX: 701.781.1101
WWW.SHW.COM

0 MONUMENT TO BE SET
CONTRIBUTORS OF LAND & INTERESTED BUILDINGS
ADVISED TO EXISTING PERMITTER RECORDATION
BUILDINGS MAY REQUIRE A LANDSCAPE BUFFER

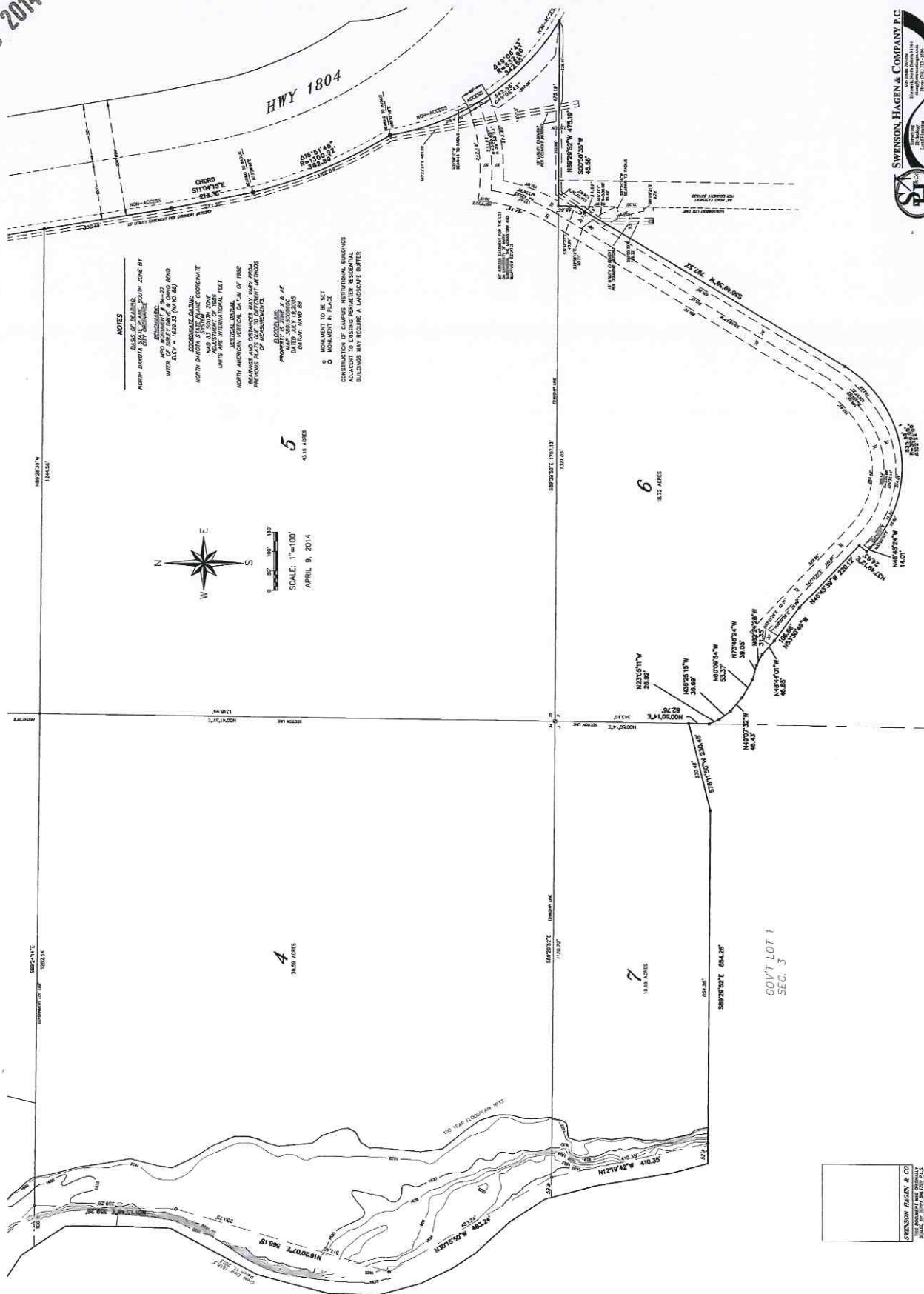


UNIVERSITY OF MARY SUBDIVISION

GOVERNMENT LOTS 14, 15 & 16 OF THE SE 1/4 OF SECTION 34 AND PARTS OF LOTS 4, 5, 6 AND 7 OF ROCKSTAD SUBDIVISION OF THE NW 1/4 OF SECTION 35 & PART OF THE SW 1/4 OF SECTION 35, T. 138 N., R. 80 W., AND PART OF GOVERNMENT LOT 1 OF THE NE 1/4 OF SECTION 3, AND PART OF GOVERNMENT LOT 4 OF THE NW 1/4 OF SECTION 2, T. 137 N., R. 80 W.,

BISMARCK, BURLEIGH COUNTY
NORTH DAKOTA

APR 10 2014



NOTES

1. BASES OF BEARING: NORTH DAKOTA CITY RECORDS, SOUTH ZONE BY

2. MONUMENT TO BE SET AT CORNER OF CAMPUS HISTORICAL BUILDINGS CONSIDERED TO BE CORNER OF CAMPUS HISTORICAL BUILDINGS. BUILDINGS MAY REQUIRE A LANDSCAPE BUFFER.

3. MONUMENT TO BE SET AT CORNER OF CAMPUS HISTORICAL BUILDINGS CONSIDERED TO BE CORNER OF CAMPUS HISTORICAL BUILDINGS. BUILDINGS MAY REQUIRE A LANDSCAPE BUFFER.

4. MONUMENT TO BE SET AT CORNER OF CAMPUS HISTORICAL BUILDINGS CONSIDERED TO BE CORNER OF CAMPUS HISTORICAL BUILDINGS. BUILDINGS MAY REQUIRE A LANDSCAPE BUFFER.

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9. MONUMENT TO BE SET AT CORNER OF CAMPUS HISTORICAL BUILDINGS CONSIDERED TO BE CORNER OF CAMPUS HISTORICAL BUILDINGS. BUILDINGS MAY REQUIRE A LANDSCAPE BUFFER.

10. MONUMENT TO BE SET AT CORNER OF CAMPUS HISTORICAL BUILDINGS CONSIDERED TO BE CORNER OF CAMPUS HISTORICAL BUILDINGS. BUILDINGS MAY REQUIRE A LANDSCAPE BUFFER.



BURLEIGH COUNTY, NORTH DAKOTA


308 ACRES
EXISTING ZONING - RR
PROPOSED ZONING - RR
12 LOTS

FLOODPLAIN INFORMATION
FLOODPLAIN ELEV. 1632.1 - NGVD 29
FLOODPLAIN ELEV. 1633.4 - NAVD 88

A black and white map of the urban area of Kigali, Rwanda. The map shows the layout of the city, including roads, buildings, and the location of the study area. The study area is marked with a circle and labeled 'STUDY AREA'. The map also includes labels for 'KIGALI' and 'RWANDA'.

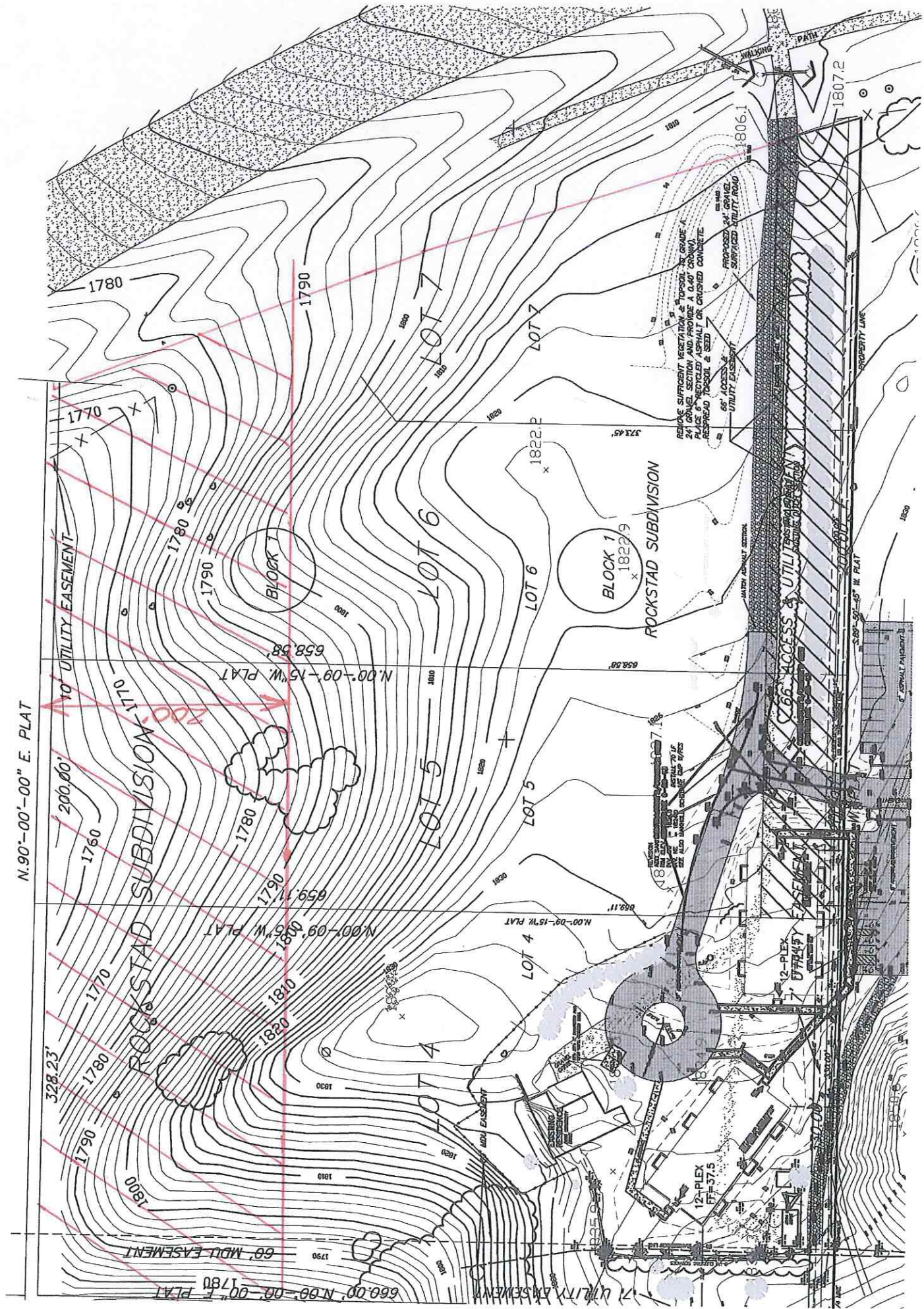


SCALE - 1"=200'



JANUARY 25, 2013





**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Sara's Subdivision – Final Plat	
Status: Planning Commission – Public Hearing	Date: April 23, 2014
Owner(s): Ryan and Sara Deichert	Engineer: Hummert Land Surveying
Reason for Request: Plat property for one single-family rural residential lot.	
Location: Along the west side of England Street, south of Scout Street (The N½ of the NE¼ of the SE¼ of the NE¼ and the NE¼ of the NW¼ of the SE ¼ of the SE¼ of the NE¼ of Section 19, T138N-R80W/Lincoln Township).	
Project Size: 1.86 acres or 81,021 square feet	Number of Lots: 1 lot in 1 block
EXISTING CONDITIONS:	
Land Use: Undeveloped	PROPOSED CONDITIONS:
Zoning: RR – Residential	Land Use: Rural residential
Uses Allowed: RR – Rural residential	Zoning: RR – Residential
Uses Allowed: RR – Large lot single-family residential	Uses Allowed: RR – Large lot single-family residential
Maximum Density Allowed: RR – One unit/65,000 square feet	Maximum Density Allowed: RR – One unit/65,000 square feet
PROPERTY HISTORY:	
Zoned: 12/1976	Platted: N/A
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. A request for a zoning change from the RR-Residential zoning district to the R5-Residential zoning district and a preliminary plat titled Sara's Addition were considered during at the May 22, 2013 meeting of the Bismarck Planning and Zoning Commission. At that time it was the applicant's intent to create a three lot, one block urban subdivision. The revised plat replaces the original plat with a one-lot rural residential subdivision. The zoning change and annexation requests have been withdrawn. 2. The proposed subdivision is located within the Urban Service Area Boundary (USAB); however the applicant has requested a waiver from USAB requirements. This seems reasonable as it would not be feasible to maintain the required 65,000 square feet needed for a lot located within the RR-Residential zoning district if the applicant platted ghost lots <u>and</u> dedicated right of way along the northern edge of the proposed plat, both of which are USAB requirements. 3. A 22 - 24 foot private / judgment gravel roadway (doc 451459 and 309335) is located within the proposed subdivision. This roadway provides access to England Street for property owners to the south and west of the proposed plat. 	
<i>(continued)</i>	

4. The north half of a future right-of-way was dedicated when the adjacent subdivision (Wooded Acres Subdivision) was recorded; however, the right-of-way has not been improved. In the event that a public roadway is required, a 33 foot access easement has been placed along the northern edge of the proposed subdivision.

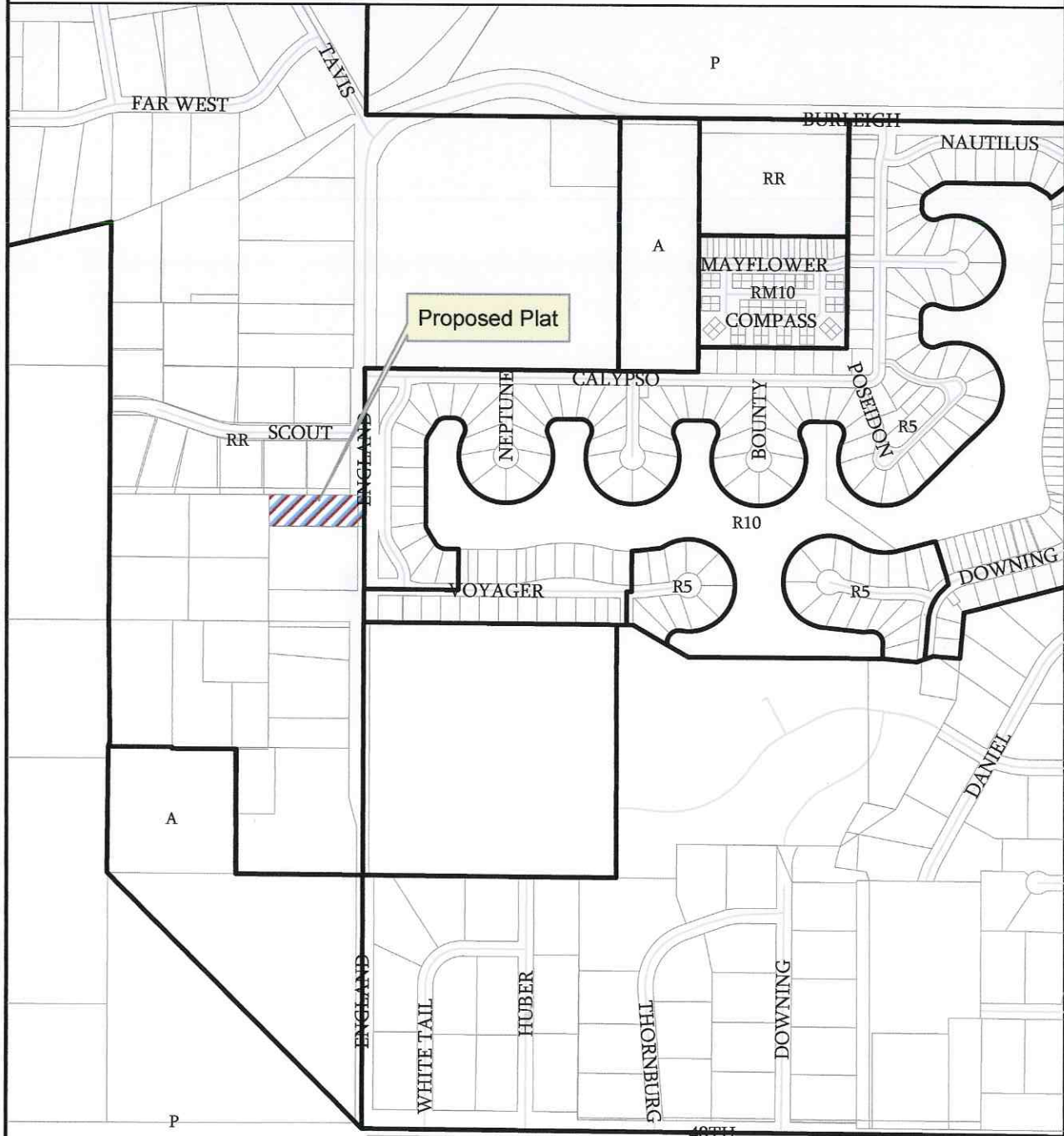
FINDINGS:

1. All technical requirements for approval of a final plat have been met; the preliminary plat was approved on February 26, 2014.
2. The stormwater management plan has been approved by the City Engineer, with written concurrence from the County Engineer.
3. The proposed subdivision generally conforms to the Fringe Area Road Master Plan, which identifies England Street as a north-south arterial roadway.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include urban residential to the east, and rural residential to the north, south, and west.
5. The proposed subdivision would be served by South Central Regional Water District and would have direct access to England Street; therefore, the proposed subdivision would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat of Sara's Subdivision including granting a waiver from USAB platting requirements.

Proposed Plat Sara's Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: January 30, 2014 (kiee)

Source: City of Bismarck

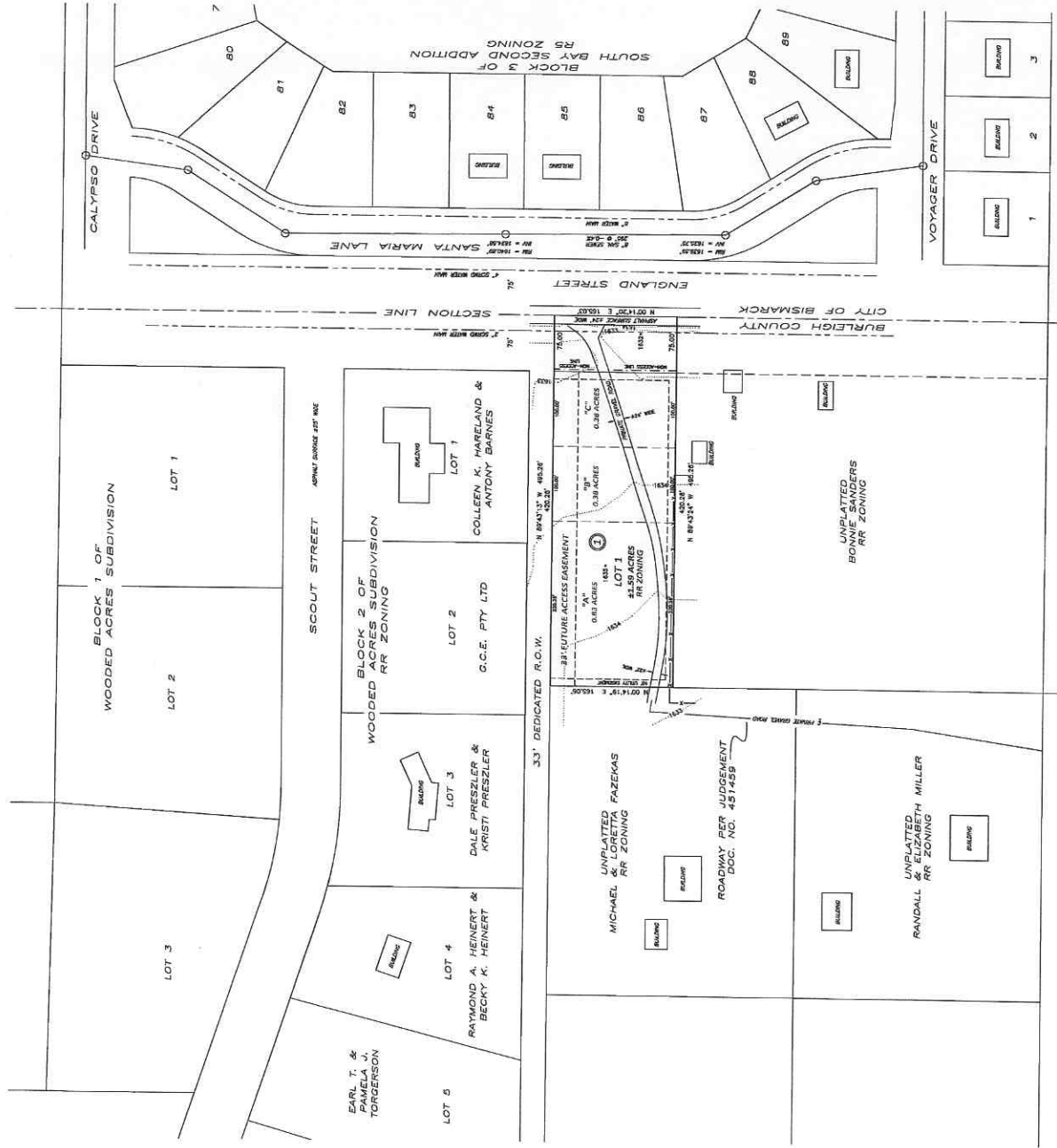
0 700 1,400
Feet



PRELIMINARY PLAT OF
SARA'S SUBDIVISION

BEING THE N1/2NE1/4SE1/4SE1/4NE1/4 AND THE NE1/4NW1/4SE1/4SE1/4NE1/4
OF SECTION 19, T138N, R80W OF THE 5TH P.M.
BURLEIGH COUNTY, NORTH DAKOTA

JAN 24 2014



DATE OF FIELD SURVEY: APRIL 2, 2013

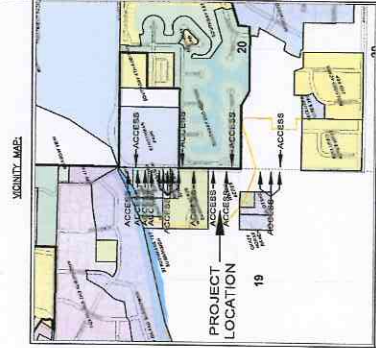
PROJECT OWNERS:
RAYMOND A. HEINERT
414 N. 22ND STREET
BISMARCK, ND 58501

PREPARED BY:
ANDREW J. HARRIS
ND REGISTRATION NUMBER 7512
HARRIS SURVEYING
1300 18TH STREET SE
MINNAPOLIS, MN 55404
PHONE (761) 428-8824

TOTAL ACRES: 1.876 ACRES MORE OR LESS

ELEVATION INFORMATION:
THE ENTIRE AREA LIES WITHIN THE
100 YEAR FLOOD PLAIN - ZONE AE.
BASE FLOOD ELEVATION:
FLOOD ELEVATION FOR THIS AREA IS 1836.0'
EFFECTIVE DATE JULY 19, 2005

ELEVATION DATA:
ALL ELEVATIONS SHOWN ARE RELATIVE TO ANGLS
AS DETERMINED BY RTK MEASUREMENTS FROM BSMK
VERIFIED TO CITY BENCHMARK DATA.



HUMBERT LAND SURVEYING
1309 18TH STREET SOUTHEAST
MINNAPOLIS, MN 55404

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

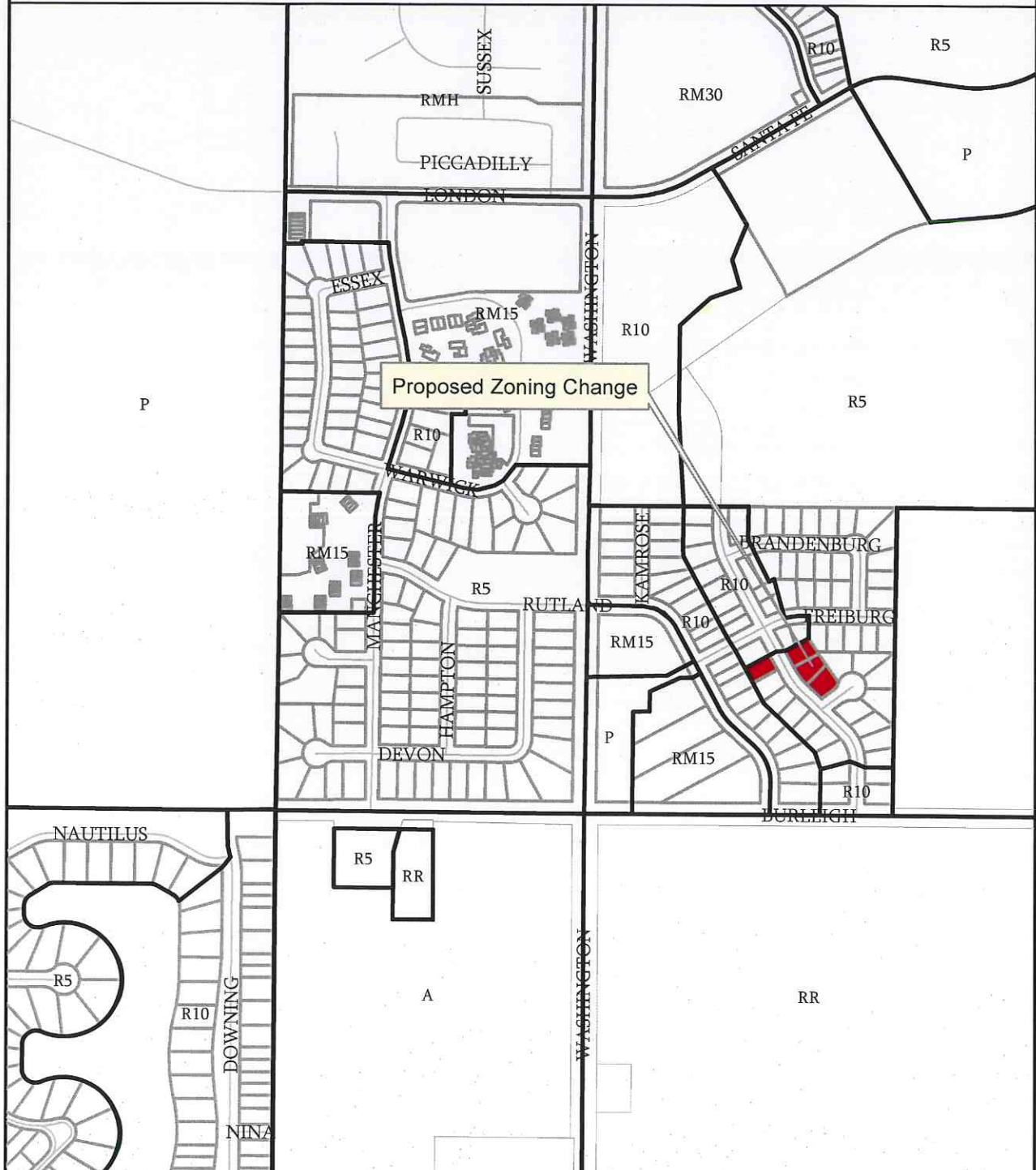
BACKGROUND:		
Title: Lots 2-4, Block 4 and Lot 2, Block 5, Huber Real Estate Trust First Addition – Zoning Change (R5 to R10)		
Status: Planning Commission – Public Hearing	Date: April 23, 2014	
Owner(s): Verity Homes of Bismarck, LLC	Engineer: Swenson, Hagen & Co.	
Reason for Request: Zone property for single and two-family residential development.		
Location: In south Bismarck east of South Washington Street along Dortmund Drive just south of the intersection of Freiburg Land and Dortmund Drive.		
Project Size: 0.67 acres/37,738 SF	Number of Lots: 4 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: R5 – Residential	Land Use: Single and two-family residential	
Uses Allowed: R5 – Single-family residential	Zoning: R10 – Residential	
Maximum Density Allowed: R5 – 5 units/acre	Uses Allowed: R10 – Single and two-family residential	
	Maximum Density Allowed: R10 – 10 units/acre	
PROPERTY HISTORY:		
Zoned: 10/1979 & 09/2008 (portion)	Platted: 10/1979	Annexed: 06/2007
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is outside the boundaries of the Land Use Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single and two-family land uses to the north and west, undeveloped multi-family zoned land along South Washington Street to the west, developing single-family land uses to the east and developing single and two-family land uses to the south. 3. The entire subdivision is already annexed; therefore, it would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 		
<i>(continued)</i>		

6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential district for Lots 2-4, Block 4 and Lot 2, Block 5, Huber Real Estate Trust First Addition.

Proposed Zoning Change (R5 to R10) **Lots 2-4, Block 4 and Lot 2, Block 5** **Huber Real Estate Trust First Addition**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Map was Updated/Created: February 24, 2014 (hib)

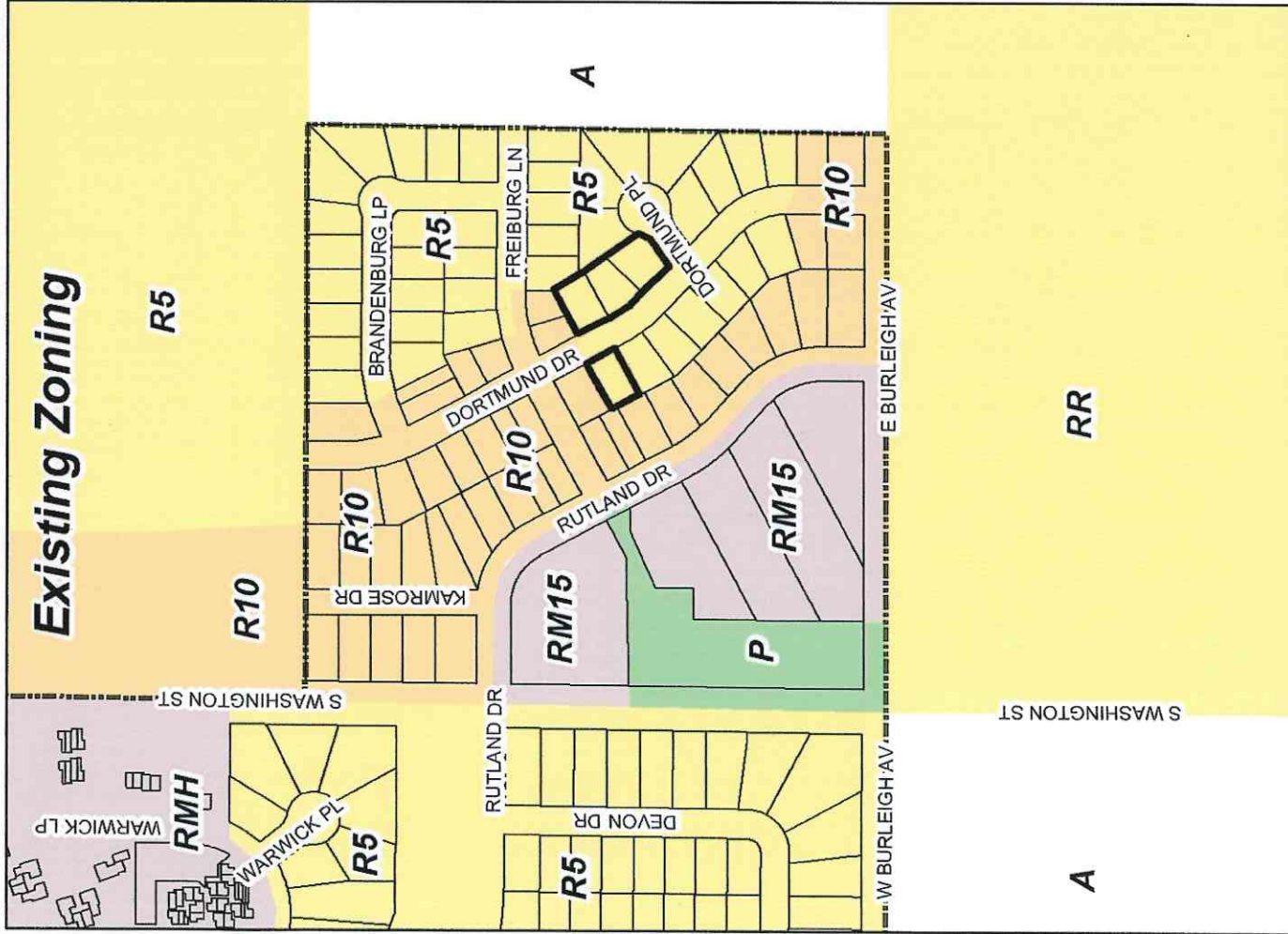
Source: City of Bismarck

0 550 1,100 Feet

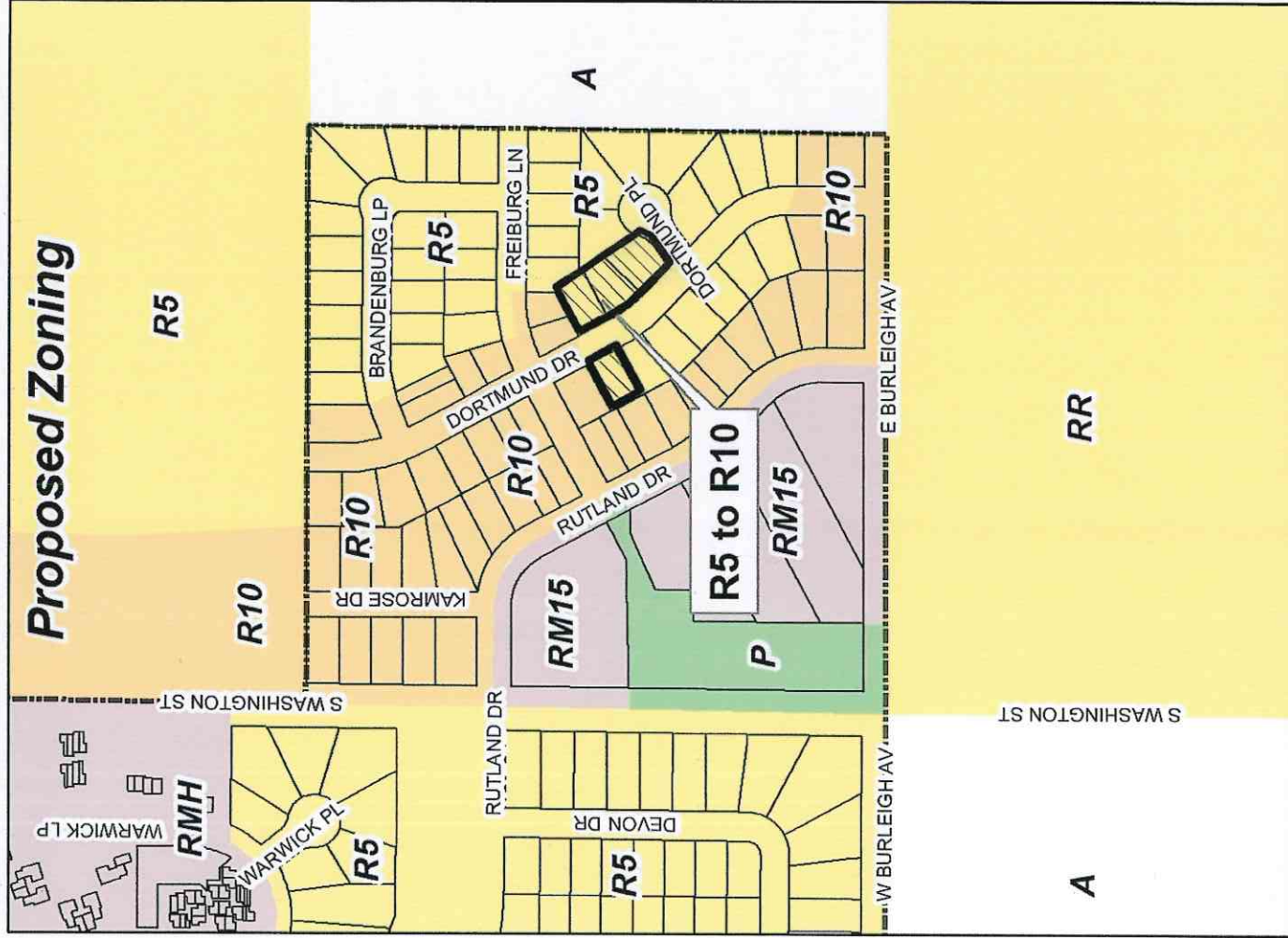


Lots 2-4, Block 4 and Lot 2, Block 5, Huber Real Estate Trust Addition - Zoning Change

Existing Zoning



Proposed Zoning



March 2014

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-11 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING LANDSCAPING AND SCREENING.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-11 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Landscaping and Screening is hereby amended and re-enacted to read as follows:

1. *Landscaping Plan Required*. A landscape plan shall be required for all development subject to the provisions of this subsection. All landscape plans submitted for approval shall contain, at a minimum, the following information:
 - a. North point and scale;
 - b. The boundary lines of the property with dimensions and area;
 - c. The location of all driveways, parking areas, sidewalks, structures, utilities, or other features, existing or proposed, affecting the landscaping of the site;
 - d. The location, common name, scientific name to the species level, size and quantity of all existing trees, shrubs or other vegetation intended for use in meeting the requirements of this subsection;

- e. The location, common name, scientific name to the species level, size and quantity of all proposed landscape materials;
- f. The location and height of any proposed earthen berms, masonry fences or other features used to meet the landscaping or buffer yard requirements;
- g. The location of any existing and/or proposed easements; and
- h. The square footage of each interior parking lot landscaping area and the overall square footage of all interior parking lot landscaping areas shown.
- i. An opinion of cost prepared by the landscape architect, landscape designer, landscape contractor or civil engineer submitting the landscape plan in the amount sufficient to guarantee the installation of all the required landscaping elements and materials, including trees, shrubs, perennials, ornamental grasses, ground cover, rock mulch, wood mulch, top soil, edging material, or any other materials necessary to install the required landscape materials, as well as all labor costs to implement the landscape plan.

* * * * *

8. *Installation, Maintenance, Replacement, Inspection and Enforcement.*

- a. Installation of Street Trees. The City Forester shall determine the time for installation of street trees.
- b. Installation of Other Required Landscaping. All other landscaping and buffer yards required by this subsection shall be healthy and in-place as soon as grading or construction has been completed to eliminate or reduce wind and/or water erosion. When landscaping cannot be completed in conjunction with site development

due to seasonal constraints, the plant material shall be installed at the beginning of the next growing season, unless otherwise approved by the Director of Community Development and the City Forester.

c. Maintenance and Replacement. The owner, or successors in interest, or agent, if any, shall be responsible for regular maintenance of all landscaping in good condition in a way that presents a healthy, neat and orderly appearance. All landscaping must be maintained free from disease, pests, weeds and litter. This maintenance must include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance, as needed and in accordance with acceptable horticultural practices. Dead plants must be promptly removed and replaced within the next growing season. Trees located along fire department access routes, as identified on an approved site plan, must be pruned as needed to maintain a vertical clearance height of no less than fourteen (14) feet.

d. Inspection and Enforcement. All landscaping shall be subject to periodic inspection by the City Forester. Landscaping that is not installed, maintained or replaced as needed to comply with the approved landscape plan shall be considered a violation of this Section and shall be subject to the enforcement provisions Chapter 13-02-14.

e. Surety Requirement.

1. For landscaping required under section 14-03-11(2)(a), the landscaping shown in the approved landscaping plan must be installed prior to issuance of a certificate of occupancy. If the landscaping cannot be installed due to seasonal concerns, the certificate of occupancy may be issued upon the receipt of a certificate of deposit in the name of the City of Bismarck in an amount sufficient to guarantee the installation of the landscaping according to the landscape plan.

2. For landscaping required under section 14-03-11 (2)(b), the owner must provide a certificate of deposit in the name of the city in an amount sufficient to guarantee the installation of the landscaping according to the landscape plan prior to issuance of a permit for the construction or alteration of the parking lot.

3. For landscaping required under section 14-03-11 (2)(c), the owner must provide certificate of deposit in the name of the city in an amount sufficient to guarantee the installation of the landscaping according to the landscape plan prior to issuance of a special use permit or final approval of a zoning change.

4. For landscaping required under section 14-03-11 (2)(d), the owner must provide a certificate of deposit in the name of the city in an amount sufficient to guarantee the installation of the landscaping according to the landscape plan prior to issuance of a special use permit for the parking improvements.

If the required landscaping is not installed as agreed by the owner or by July 1 of the year following the occupancy or use of the property, the City may cash the certificate of deposit and order the installation of the landscaping according to the approved landscape plan, based on an estimate prepared by the landscape architect, landscape designer, landscape contractor or civil engineer submitting the landscape plan and agreed to by the City, plus ten percent (10%).

* * * * *

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

(Ord. 5437, 06-28-05; Ord. 5450, 08-23-05; Ord. 5562, 11-28-06; Ord. 5640, 10-09-07; Ord. 5812, 03-22-11)

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03, 14-03-08 AND 14-03-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DEFINITIONS, SPECIAL USES AND OFF-STREET PARKING AND LOADING/OFF-SITE PARKING LOTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Parking lot, on-site: An on-site parking lot shall mean any land legally used for the parking of motor vehicles that is located on the same lot or parcel as the use it is intended to serve.

Parking lot, off-site: An off-site parking lot shall mean any land legally used for the parking of motor vehicles that is located on a different lot or parcel as the use it is intended to serve.

* * * * *

Section 2. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and Building Official (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and Building Official (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

4. Permanent uses (planning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

x. Off-site Parking Lots. Off-site parking lots for any use may be permitted in any R5 - Residential, R10-Residential, RM-Residential and RT-Residential district as a special use provided:

1. The lot or parcel meets the dimensional requirements for the underlying zoning district.

2. The lot or parcel is located along a public roadway and obtains access from a roadway classified as either a local roadway or a collector.

3. The lot or parcel is located no further than four hundred (400) feet from the use it is intended to serve.

4. A twenty (20) foot landscaped buffer yard is provided along any common lot line with an existing residential use and the buffer yard is installed in accordance with the provisions of Section 14-03-11(10) of the City Code of Ordinances (Landscaping and Screening/Buffer Yards).

7. A site plan is submitted showing the overall dimensions of the site, the location and

dimensions of parking spaces and access aisles, perimeter landscaping, landscaped buffer yards, adjacent roadways and proposed access (ingress/egress).

* * * * *

Section 3. Amendment. Section 14-03-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Off-street Parking and Loading is hereby amended and re-enacted to read as follows:

* * * * *

8. Location of required parking and loading facilities. The off-street parking facilities required by this section shall be on the same lot or parcel of land as the structure they are intended to serve; provided, however, when practical difficulties, as determined by the board of adjustment, prevent the establishment of such facilities upon the same lot or parcel, they shall be furnished within four hundred (400) feet of the premises to which they are appurtenant. Off-site parking lots within residential areas are subject to the requirements of Section 14-03-08(4)(x). The off-street loading facilities required by this section shall in all cases be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements of this article. All required off-street parking and loading facilities along with all ingress and egress driveways thereto shall be zoned adequately appropriately for the principal use which they are intended to serve.

* * * * *

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect following final passage and adoption.

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
March 26, 2014

The Bismarck Planning & Zoning Commission met on March 26, 2014 at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Tom Atkinson, Mel Bullinger, Mike Donahue, Vernon Laning, Doug Lee, Ken Selzler, Lisa Waldoch, John Warford and Wayne Yeager.

Commissioner Mike Schwartz was absent.

Staff members present were Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Jason Tomanek – Planner, Jenny Wollmuth – Planner, Hilary Balzum – Community Development Office Assistant, Jason Hammes – Assistant City Attorney and Charlie Whitman – City Attorney.

**PRESENTATION/PUBLIC HEARING –
GROWTH MANAGEMENT PLAN UPDATE**

Chairman Yeager called for the presentation and public hearing on the proposed 2014 Growth Management Plan Update.

Mr. Hokenstad said the process of updating the 2003 Growth Management Plan started in January of 2013. He said consultants with URS, RDG and SRF were hired and at this time, the updated Growth Management Plan is now ready for consideration.

Jennifer McNeil Dhadwal, URS Corporation, said the Growth Management Plan represents updates due to the continued growth and development in and around Bismarck. She said the framework started with the discussion of principles and it addresses the need for public services and infrastructure. She said the new Plan supports projected growth through the year 2040. She then said the future land use map will be updated to reflect a few minor changes after this meeting. The Technical Committee and Advisory Committee have provided direction and input as well as requests for public input throughout the process. She then explained that the Future Land Use Plan (FLUP) is the cornerstone of the updated Growth Management Plan in regards to how zoning boundaries are determined and how the transitional growth will be controlled. She then said it also includes plans for developing, but still preserving and conserving, unique environmental features. The Plan also includes a phasing plan with three phases and includes prioritizing service needs from the City out to the urban service area boundary and the negotiated extraterritorial area. She said the implementation of this Plan will include periodic reviews of the flexible frameworks provided.

Bill Troe, SRF Consulting, said the strategic infrastructure investment section explains needs such as stormwater, drainage and transportation. He said the main question has been what role the City should play in overall development in the area around the City; should the City continue to respond to development requests or start having a larger role in directing development with infrastructure. He said through discussion with the committees, there has been the belief that funding for adequate water, sewer and storm water utilities is in place, but that funding for transportation infrastructure is not.

Commissioner Laning asked if the acreage set aside for urban reserve has to be used for that purpose.

Ms. McNeil Dhadwal said the interpretation would not be that the land cannot be used how the owner wants, but rather the proposed uses are suggestions and the Plan approach is meant to be flexible. She said what has been presented are guidelines and changes can be discussed with the Planning staff.

Commissioner Atkinson asked if any thought has been given on a transportation plan of a light rail system between Bismarck and Mandan. Mr. Troe said given the density between the two cities, a light rail system is not a probability at this time.

Commissioner Warford asked which population projections were used when creating the plan. Ms. McNeil Dhadwal said the same numbers were used as those used by the Metropolitan Planning Organization, which identified the oil boom scenario as the likely growth scenario of three different potential growth scenarios.

Arthur Goldammer said that as a builder and developer he wants to thank the Technical and Advisory Committees, as well as the Planning staff and study consultants, for all of their hard work in this process. He said a Plan like this is necessary to control the recent growth in Bismarck and having a progressive municipality is important to him as a builder.

Greg Meidinger said he works for Diversity Homes and they are also in support of the proposed Plan. He said he has been a builder since 2009 and they are a forward thinking group looking to help support the recent growth of the City. He said they all share the common goal of wanting to build Bismarck efficiently.

Mel Webster said he owns 96 acres in Hay Creek Township, parts of which are currently for sale, and he had not received any notice of a new Plan being in the works until very recently. He said he has concerns of one of his parcels having a very large waterway running through it and another large piece of almost 20 acres which is labeled as a conservation area which could not be developed if anybody did purchase it because of the proposed density. He said City services would be needed for urban residential, but it is currently too far away from the City, so it is no longer a desirable piece of land to be purchased and developed. He said he would also like to see the rural residential designation extend to his property line instead of to the existing waterway.

Ms. Lee responded that there is a current policy for formal and administrative Land Use Plan Amendments, and this is expected to continue. She added that a ghost plat could also be allowed as an option to transition the property from Rural Residential to Urban Residential, in addition to the Build Through Acreage (BTA) concept.

Rick Geloff said he wants to know what the City's plan is to incorporate rural areas, as the City grows and that he has concerns of the zoning not being changed until annexation is forced.

Ms. Lee responded that the Growth Management Plan Update does discuss ghost platting and that the consultants have found that very rarely do rural subdivisions ever convert to a higher density. The Plan does show rural subdivisions as continuing on into the future as the City grows; these areas could be further subdivided, but the City would not require or expect it.

Rachel Heer said she would like to know why trees along Highway 83 and Interstate 94 are being cut down. Commissioner Laning said if federal funding was used to improve those roadways, then regulations on maintaining them would be applicable.

There being no further comments, Chairman Yeager closed the public hearing.

Mr. Troe said the new Plan does still reflect the underlying Fringe Area Road Master Plan and once the 2014 Fringe Area Road Master Plan update is in place, then the roads will be intersected and the Plan will be updated.

Ms. Lee said a motion made could include any requested changes, but once the Future Land Use Plan is adopted, the process a change has to go through would depend on how the proposed land uses varies from the Plan.

Commissioner Armstrong said he was on the Advisory Committee and has heard the concerns impacted owners have as far as how this Plan is going to be paid for. He said the funding proposed is of concern and that enhancing the funding with fuel tax and developer taxes will not sit well with the citizens being required to contribute all of it.

Mr. Troe explained that the alternate funding options were considered at the beginning of the study, but that many of those have been dismissed and the options narrowed down to a few alternatives. He said only a portion of the funding will come from the private sector, but more of it will come from state and federal funding systems. He said the entire financial burden would not be from tax increases. He concluded by saying that the Plan only identifies funding alternatives, and that any changes would require separate City Commission action.

MOTION: Commissioner Warford made a motion to recommend approval of the 2014 Growth Management Plan Update, with the requested changes, and forward it to the April 22, 2014 meeting of the Board of City Commissioners. Commissioner Lee seconded the motion and it was approved with Commissioners Atkinson, Bullinger, Donahue, Lee, Waldoch, Warford and

Yeager voting in favor of the motion. Commissioners Armstrong, Laning and Selzler opposed the motion.

MINUTES

Chairman Yeager called for consideration of the minutes of the February 26, 2014 meeting.

MOTION: Commissioner Lee made a motion to approve the minutes of the January 22, 2014 meeting as received. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Lee, Waldoch, Warford and Yeager voting in favor of the motion.

CONSIDERATION

- A. WILLOW VIEW ESTATES SUBDIVISION –
ZONING CHANGE AND PRELIMINARY PLAT**
- B. LOTS 2-4, BLOCK 4 AND LOT 2, BLOCK 5, HUBER REAL ESTATE TRUST
ADDITION – ZONING CHANGE**
- C. LOTS 1-2 BLOCK 2, PINEHURST 7TH ADDITION REPLAT –
ZONING CHANGE**
- D. OFF-SITE PARKING LOTS –
ZONING ORDINANCE TEXT AMENDMENT**

Chairman Yeager called for consideration of the following consent agenda items:

- A. Willow View Estates Subdivision – Zoning Change and Preliminary Plat
- B. Lots 2-4, Block 4 and Lot 2, Block 5, Huber Real Estate Trust – Zoning Change
- C. Lots 1-2, Block 2, Pinehurst 7th Addition Replat – Zoning Change
- D. Off-site Parking Lots – Zoning Ordinance Text Amendment

MOTION: Commissioner Warford made a motion to approve consent agenda items A, B, C and D, granting tentative approval and/or calling for public hearings on the items as recommended by staff. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION PUBLIC HEARING – ZONING CHANGE AND FINAL PLAT – SOUTHBAY 5TH ADDITION

Chairman Yeager called for the public hearing on the final plat; the zoning change from the RR-Residential zoning districts to the R5-Residential, R10-Residential and RR-Residential zoning districts; and final consideration of the annexation of Southbay 5th Addition. The

proposed plat is 77 lots in four blocks on 39.6 acres and is located south of Bismarck, south of Burleigh Avenue, between England Street and South Washington Street (part of the SE¼ and part of the SW¼, Section 20, T138N-R80W/Lincoln Township, including a replat of part of Spiritwood Estates Subdivision).

Ms. Wollmuth provided an overview of the requests, including the following findings for the annexation:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Ms. Wollmuth then gave the following findings for the zoning change:

1. The proposed zoning change is consistent with the Land Use Plan, which identifies this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan).
2. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the north, rural residential to the south and east and agriculturally zoned property with a residence to the west.
3. The proposed subdivision (with the exception of Lot 9, Block 3) would be annexed prior to development; therefore, the zoning change would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth then gave the following findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The stormwater management plan has been approved by the City Engineer.

3. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Downing Street and Glenwood Drive as collector roadways.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the north, rural residential to the south and east, and agriculturally zoned property with a residence to the west.
5. The proposed subdivision (with the exception of Lot 9, Block 3), would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Wollmuth said based on these findings, staff recommends approval of the annexation of SouthBay 5th Addition with the exception of Lot 9, Block 3, the zoning change from the RR-Residential zoning districts to the RR-Residential and R5-Residential zoning districts, with the exception of Lot 9, Block 3, Southbay 5th Addition, and from the RR-Residential zoning district to the R10-Residential zoning district on Lots 2-13 & Lots 23-38, Block 4, Southbay 5th Addition and final plat of SouthBay 5th Addition, granting a waiver to allow the use of a cul-de-sac and a private roadway, and with the understanding that any further subdivision of Lot 9, Block 3 (the RR lot) would require annexation of the entire lot.

Chairman Yeager opened the public hearing.

Julie Roswick said she thinks this is going to be a nice development but she has concerns regarding weed control adjacent to their large, A-Agriculture zoned property. She said they have a problem with higher land on the east side of their property being too steep to mow, and if it doesn't get treated, it will be out of control with weeds. She wants to know who will be responsible for that.

Ms. Lee replied once the property is annexed it will fall under the responsibility of the Environmental Health Division with the City of Bismarck, which is under the supervision of Anton Sattler. She said she will notify Mr. Sattler of the concern so he is aware of the situation.

Ms. Roswick then said their fence has been ruined allowing animals to come in and there is dirt from the new development being pushed onto their fence and property. Chairman Yeager said that would be an issue to address between the owners on each side.

Ms. Roswick then said there is also water being pumped onto the property from the proposed development site. Chairman Yeager said that is something to contact the adjacent developer on.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Lee made a motion to approve the annexation of SouthBay 5th Addition with the exception of Lot 9, Block 3, the zoning change from the RR-Residential zoning districts to the RR-Residential and R5-Residential zoning districts, with the exception of Lot 9, Block 3, Southbay 5th Addition, and from the RR-Residential zoning district to the R10-Residential zoning district on Lots 2-13 & Lots 23-38, Block 4, Southbay 5th Addition and final plat of SouthBay 5th Addition, granting a waiver to allow the use of a cul-de-sac and a private roadway, and with the understanding that any further subdivision of Lot 9, Block 3 (the RR lot) would require annexation of the entire lot. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

**FINAL CONSIDERATION – ANNEXATION
PUBLIC HEARING – ZONING CHANGE AND FINAL PLAT –
EVERGREEN RIDGE ADDITION**

Chairman Yeager called for the public hearing on the zoning change from the RR-Residential zoning district to the R5-Residential and PUD-Planned Unit Development zoning districts and final plat for Evergreen Ridge Addition, as well as final consideration of the annexation of Evergreen Ridge Addition. The proposed plat is 49 lots in two blocks on 8.96 acres and is located in northwest Bismarck, west of North Washington Street between Ash Coulee Drive and Colt Avenue (a replat of Lot 2 and Lots 3A and 3B of Lot 3, Block 1, KMK Estates Subdivision).

Ms. Lee provided an overview of the requests, including the following findings for the annexation:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Ms. Lee then gave the following findings for the zoning change:

1. The proposed zoning change is outside of the area covered by the Land Use Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include larger lot rural and urban residential to the east, west and south and undeveloped CA-zoned property to the north across Ash Coulee Drive. It is expected that the underlying rural residential lots in KMK Estates will transition to urban density residential over time, and the proposed development will provide a land use transition between the expected future higher intensity land uses to the east along North Washington Street and the lower intensity land uses to the west and south.
3. The subdivision proposed for this property will be annexed and services will be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee then gave the following findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed subdivision is consistent with the Fringe Area Road Master Plan for this section, which identifies Ash Coulee Drive as an arterial roadway. North Washington Street to the east of the proposed plat is classified as a principal arterial on the MPO's Functional Classification Network (July 2011) and Ash Coulee Drive is classified as a minor arterial.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include larger lot rural and urban residential to the east, west and south and undeveloped CA-zoned property to the north across Ash Coulee Drive. It is expected that the underlying rural residential lots in KMK Estates will transition to urban density residential over time, and the proposed development will provide a land use transition between the expected future higher intensity land uses to the east along North Washington Street and the lower intensity land uses to the west and south.
5. The proposed subdivision would be annexed and services would be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.

6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on these findings, staff recommends approval of the annexation of Evergreen Ridge Addition (Lots 1-39, Block 1 and Lots 1-10, Block 2), the zoning change from the RR – Residential zoning district to the R5 – Residential on Lot 10, Block 2 and to the PUD – Planned Unit Development zoning district on Lots 1-39, Block 1 and Lots 1-9, Block 2, and the final plat for Evergreen Ridge Addition, including the creation of a temporary emergency access on Ash Coulee Drive subject to the following conditions:

1. The temporary emergency access will be removed by the home owners association when the connection of Huron Drive is completed to the west.
2. The access approach shall be constructed and paved. The size of the approach shall be sufficient to accommodate a fire truck.
3. The access shall be controlled by a steel framed gate and padlocked with the keys in possession of the Bismarck Fire Department.
4. Landscaping shall be provided on both ends of the gate to prevent vehicular traffic from driving around the emergency access gate.
5. A sign shall be displayed on the middle of the gate stating “No Parking, Emergency Vehicle Access Only”
6. The home owners association will be responsible for snow removal and maintenance of the access approach.

Chairman Yeager opened the public hearing.

Jeff Hofstad said his concerns are of the proposed density of the development and he wants to know if it is considered high, medium or low density.

Ms. Lee said the standard R5-Residential zoning district allows up to five units per acre, but the average units implemented is usually three. She said this is a lesser density than apartments and is comparable to units in the Edgewood Village and Sonnet Heights developments, but is still considered low density.

Mr. Hofstad said 40 people signed a letter of support opposing the development and he wants to know how the developer feels this concept will complement the surrounding area. He said there is no other Planned Unit Development zoning anywhere else in the area and it would be

a disservice to the area to add it. He said the intent seems to be to maximize available buildable land at a reasonable price and his concerns are about safety, traffic and access of emergency services.

Paul Bultsma said his two major concerns are of property values and traffic. He said he has a major issue if rental properties are going to be put up since there will be more development surrounding this one. He also believes there are not enough outlets for all of the traffic that the additional housing will bring. He said the proposal only shows Huron Drive being 60 feet wide instead of 66 feet wide, the private road would only be 26 feet wide and he has concerns that the Community Development Director can change the PUD at any time without public notice.

Art Goldammer said the City recommended using twinhomes to transition between higher intensity zoning along Washington Street and the existing neighborhood. He said the RM15-Residential zoning district was originally opposed so he held a neighborhood meeting where only 20 people showed up. He said he was able to get a price reduction on the land purchase when the density was reduced in hopes of trying to please the neighborhood and find a happy medium, while still making a return on his investment.

Dave Patience said the zoning is important and that the area is adjacent to CA-Commercial and RT-Residential zoning districts, so the twinhomes are what would fit in the 500 foot transitional zone. He said if only one and two unit dwellings are desired, then adjustments need to be made to minimize the amount of public streets and private drives necessary to develop that area at all.

Rick Geloff said he did not sign the second letter that went around in opposition to the proposal because he feels comfortable with this new plan. He added that if RedDoor Homes does not develop it, then somebody else will.

Dan Lacher said that when this proposal was originally introduced as the Koosman Addition, the City was not aware that it takes several days for snow to be cleared from Huron Drive and there is nowhere to put it. He also feels a traffic increase of 4% for that area is quite significant.

Written comments received from Dan Lacher and Jeffrey Hofstad are attached as Exhibits A and B.

There being no further comments, Chairman Yeager closed the public hearing.

Ms. Lee said that the recommendation also includes modifying the front lot line width requirement in the PUD.

Commissioners Lee said he is not a fan of PUDs or spot zoning, but the advantage here is that the developer is taking the initiative of starting the transition between the zoning districts. This PUD is more restrictive and he supports it.

Commissioner Waldoch said there is a need for affordable housing in the area and higher end homes would not work in this location because of the adjacent zoning districts.

MOTION: Based on the findings contained in the staff reports, Commissioner Lee made a motion to approve the annexation of Evergreen Ridge Addition (Lots 1-39, Block 1 and Lots 1-10, Block 2), the zoning change from the RR – Residential zoning district to the R5 – Residential on Lot 10, Block 2 and to the PUD – Planned Unit Development zoning district on Lots 1-39, Block 1 and Lots 1-9, Block 2, as outlined in the PUD ordinance and with the lot width change noted by staff; and the final plat for Evergreen Ridge Addition, including the creation of a temporary emergency access on Ash Coulee Drive, with the conditions that 1) The temporary emergency access will be removed by the home owners association when the connection of Huron Drive is completed to the west; 2) The access approach shall be constructed and paved. The size of the approach shall be sufficient to accommodate a fire truck; 3) The access shall be controlled by a steel framed gate and padlocked with the keys in possession of the Bismarck Fire Department; 4) Landscaping shall be provided on both ends of the gate to prevent vehicular traffic from driving around the emergency access gate; 5) A sign shall be displayed on the middle of the gate stating “No Parking, Emergency Vehicle Access Only”; and 6) The home owners association will be responsible for snow removal and maintenance of the access approach. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE – KILBER NORTH 2ND ADDITION FIRST REPLAT

Chairman Yeager called for the public hearing for a zoning change from the R10-Residential and RM10-Residential zoning districts to the R10-Residential zoning district for Lots 1-16, Block 1, Kilber North 2nd Addition First Replat. The property is located in north Bismarck along the east side of Normandy Street and south of 43rd Avenue NE (a replat of Lots 2-7, Block 2, Kilber North 2nd Addition).

Mr. Tomanek provided an overview of the request, including the following findings:

1. The proposed zoning change is outside of the area covered by the Land Use Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing mixed density residential and office uses to the west, P-Public zoned open space and developing one and two-family residential to the south, mixed density residential and office uses to the east, and developing mixed density residential to the north across 43rd Avenue NE.

3. The area is already annexed; therefore, the proposed zoning change would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek said based on these findings, staff recommends approval of the zoning change from the R10 – Residential and the RM10 – Residential zoning districts to the R10 – Residential zoning district for Lots 1-16, Block 1, Kilber North 2nd Addition First Replat. Chairman Yeager opened the public hearing.

Remy Messner said he is concerned about the north to south traffic on Normandy Street. He said when the connection to 43rd Avenue Northeast was opened, the traffic got worse and the speed limits are never obeyed.

Mr. Patience said the new minor plat of Kilber North 2nd Addition has actually reduced the density from 4-unit buildings to 2-unit buildings.

Commissioner Warford said he recommends Commissioner Bullinger, the City Engineer, visit with Mark Berg, the Traffic Engineer, as well as the Police Department to make sure the proper speed limit signs are in place and that the speed limits are appropriate for the area as well as having some selective law enforcement being placed in that area.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the zoning change from the R10-Residential and the RM10-Residential zoning districts to the R10-Residential zoning district for Lots 1-16, Block 1, Kilber North 2nd Addition First Replat. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE – LOTS 1 & 2, BLOCK 1, HAMILTON’S FIRST ADDITION

Chairman Yeager called for the public hearing for a zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district for Lots 1-2, Block 1, Hamilton’s First Addition. The property is located in northeast Bismarck, along the south side of Calgary Avenue and the east side of Hamilton Street.

Mr. Tomanek indicated that this request had been sent back to the Planning and Zoning Commission by the City Commission. He then provided an overview of the request, including the following findings:

1. The proposed zoning change would not be entirely consistent with the Land Use Plan (Bismarck-Mandan Regional Future Land Use Plan), which was amended to allow industrial land uses prior to the zoning change of the parcel in 2009. However, because this amendment would move the boundary between land use classifications less than 600 feet, it would be considered a minor amendment and would be approved administratively in conjunction with the zoning change, if approved.
2. The proposed zoning change would be generally compatible with adjacent land uses, provided the proposed development includes a transitional land use between the multi-family dwellings and the single-family land use to the east. Adjacent land uses include Legacy High School to the north, multi-family residential to the west, undeveloped limited industrial and service uses to the south and single-family dwellings to the east which is buffered by a 6-foot high, 50-foot wide earthen berm with trees and shrubs installed atop the berm.
3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning would not have an adverse impact on property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek said based on these findings, staff recommends approval of a zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district for Lots 1-2, Block 1, Hamilton's First Addition, with the following conditions:

1. The maximum height of any building is 35 feet. Building height is defined as "the average finished ground level adjoining the building if it sets back from the street line to the level of the highest point at the roof beams of flat roofs, or roofs including not more than one inch to the foot, and to the mean height level of the top of the main plate and highest ridge for other roofs".
2. A minor plat is submitted if the property is to be further subdivided.
3. A site plan for the both lots/the entire parcel is submitted to demonstrate how the proposed land residential densities relate internally as well as with adjacent properties.
4. The existing landscape berm shall remain in place until separate Board of City Commissioners action is taken to formally vacate the berm.

Chairman Yeager opened the public hearing.

Mr. Patience said Michael Baumgartner, one of the owners, said these new conditions compared to the ones that were originally proposed, are much more acceptable and will not have any detrimental impact on the developed area.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Warford made a motion to approve the zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district for Lots 1-2, Block 1, Hamilton's First Addition, with the conditions that: 1) The maximum height of any building is 35 feet. Building height is defined as "the average finished ground level adjoining the building if it sets back from the street line to the level of the highest point at the roof beams of flat roofs, or roofs including not more than one inch to the foot, and to the mean height level of the top of the main plate and highest ridge for other roofs"; 2) A minor plat is submitted if the property is to be further subdivided; 3) A site plan for the both lots/the entire parcel is submitted to demonstrate how the proposed land residential densities relate internally as well as with adjacent properties; and 4) The existing landscape berm shall remain in place until separate Board of City Commissioners action is taken to formally vacate the berm. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – OFF-STREET PARKING AND LOADING/JOINT USE OF PARKING

Chairman Yeager called for the continued public hearing for a zoning ordinance text amendment relating to Off-Street Parking and Loading/Joint Use of Parking. Ms. Lee explained that the proposed ordinance would allow for multi-tenant shopping centers, having a minimum of 30,000 square feet of leasable area and a minimum of five tenants, to have a lower ratio to calculate required off-street parking spaces. Staff recommends approval of the amendment as presented.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Commissioner Laning made a motion to approve the zoning ordinance text amendment relating to Off-street Parking and Loading/Joint Use of Parking as recommended by staff. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson,

Bullinger, Donahue, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – APPEAL PROCEDURES

Chairman Yeager called for the continued public hearing for a zoning ordinance text amendment relating to Appeal Procedures. Ms. Lee explained that the proposed ordinance would clarify procedures for an appeal of a decision made by the Bismarck Planning and Zoning Commission or the Board of Adjustment to the Board of City Commissioners. Staff recommends approval of the amendment as presented.

Chairman Yeager opened the public hearing.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Commissioner Warford made a motion to approve the zoning ordinance text amendment relating to Appeal Procedures as recommended by staff. Commissioner Armstrong seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

Commissioner Waldoch excused herself from the meeting at this time.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – RM DISTRICT/SINGLE FAMILY PROVISIONS

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to RM Districts/Single Family Provisions. Ms. Lee explained that the proposed ordinance would modify the boundary of one area in which single family homes are a permitted use in the RM-Residential District. Staff recommends approval of the amendment as presented.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Commissioner Lee made a motion to approve the zoning ordinance text amendment relating to RM District/Single-Family Provisions as recommended by staff. Commissioner Armstrong seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – RELIGIOUS INSTITUTIONS

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to Religious Institutions. Ms. Lee explained that the proposed ordinance would create a definition for a religious institution, replace “churches” with “religious institutions” throughout the ordinance and make such uses permitted uses in the CA-Commercial, CG-Commercial, CR-Commercial and MA-Industrial zoning districts. Staff recommends approval of the amendment as presented.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Commissioner Laning made a motion to approve the zoning ordinance text amendment relating to Religious Institutions as recommended by staff. Commissioner Armstrong seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Lee, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 7:47 p.m. to meet again on April 23, 2014.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Lee Yeager
Chairman

Bismarck City Planning & Zoning Commission
P.O. Box 5503
Bismarck, ND. 58506-5503

RE: Evergreen Ridge Addition

My name is Dan Lacher and I currently live at 530 Huron Drive, Bismarck.

Prior to purchasing my current home I did some research on the neighborhood and liked what I discovered. Everything south of Ash Coulee was zoned rural residential or single family residential. Huron Drive was and is a 2+ block long street with a cul-de-sac on each end. There were and are approximately 25 children 10 and younger living on Huron Drive; while our children are grown and on their own I like watching and hearing young children playing in my neighborhood. When I purchased my home I did assume that at some time Ash Coulee, due to location of Horizon Middle School, would be expanded to handle the increased traffic and become a major East – West artery. I also realized that the plats adjoining Washington could be re-zoned for twin homes, similar to those on south Washington near Augsburg intersection, and as development moves west transition to single family homes comparable to those in our neighborhood. I never did expect the zoning to change for allowing high capacity residential and commercial development or to loop around an existing home with a road connecting to Huron Drive.

Now here we are again revisiting the same issues as when the plat in question was going to be called Koosman Addition. The commission must remember the support our neighborhood showed against this high density development in our neighborhood by prior developer and changing the name and type of "house" the current developer has in mind does not change that fact that he is trying to cram into a small area the most units possible to get the most bang for his buck. I believe he paid the land owners price believing he could get the zoning changed to meet his needs for the highest profit. Might one not want to try to get change in zoning before purchasing?? Arthur Goldhammer of Red Door Homes sent a letter to residents of our neighborhood on 11/12/13 and in this letter acknowledges he "noticed" our objections to this type of development by previous developer. He portrays Red Door as a concerned and conscientious developer and that many in the neighborhood would be open to the idea of twin homes being built on this plat. That may be so but doubt they thought 58 units would fit nicely on this small plat. Also, need clarified if by one twin home unit Red Door means two separate residences in one building? I especially found interesting Mr. Goldhammer's subtle threat for us to support his plan by stating, "the last thing you want is someone to come in after us and somehow get an RM30 zoning passed where you have to deal with large apartments in your neighborhood". Approving this proposed development I believe will lower the value of most homes in this area and reduce city income with resulting lower taxes.

This brings up another point regarding plats east of proposed Evergreen Ridge Addition. As I understand things these plats are still zoned RR (rural residential). During previous commission meetings I attended it was mentioned that the city was thinking of changing zoning for the one on the corner of Washington and Ash Coulee to commercial and the one directly south of that to R30. Really! What are the plans for

plats south of Colt Ave.? Mr. Jeff Hofstad a resident living on Colt Ave states quite clearly his and our concerns on developing this area in his letter dated 3/24/14. to the commission. Traffic, Safety, Snow Removal. With no or limited access to Ash Coulee and Washington from this area where do you propose to route traffic? Also, with the addition of new Liberty school and rezoned NW corner of Washington and Ash Coulee to commercial use the problem issues just keep growing. I have often heard that Washington is the longest and straightest street in Bismarck, so what, as an excuse for widening and higher density development. My answer is at what cost? Are we ready to abandon the "identity" of Bismarck and the inner city like so many of our larger cities? Do we intend to "convert" Washington to Bismarck's version of the strip in Mandan. We have to think more than 5-10 years ahead. The city has done a great job in creating major arteries such as Hwy 1804, 57th, Ash Coulee/43rd, Calgary, Century, Rosser/ Main, Bismarck Epwy. Maybe it is a good idea to narrow Washington from Century to Rosser. People will learn that taking one of the many loops around town might be longer but will be quicker and relieve traffic pressure on Washington. Now the city must do its part by not changing the rules to accommodate developers not working within the city plan. I am all for development but am against illogical development.

Sincerely,

Dan Lacher

March 24, 2014

Bismarck City Planning & Zoning Commission
P.O. Box 5503
Bismarck, ND 58506-5503

RE: Evergreen Ridge Addition

Please accept this letter as a way of introducing myself to you. My name is Jeff Hofstad and my wife Joy and I have lived at 405 Colt Ave. in Bismarck for over 21 years and have seen many changes in this area take place and have been a part of those changes as well annexing our property into the City of Bismarck ten years ago.

I am writing this letter to you to express the concerns I have about the Evergreen Ridge Addition in northwest Bismarck. I know you are familiar with this addition and the concerns that many homeowners in this location had when this property was originally presented to you for approval as the Koosman Addition. We had in the original petition we presented to you, 114 signatures representing approximately 92 homes against this development because of the number of units in this location and the impact it would have had on all of us as homeowners with regards to traffic, safety, emergency services, and snow removal to not only current residents of this area but future residents in the new addition being proposed.

Although there is a small reduction in number of units with the proposed Evergreen Ridge Addition, it would still be considered at a minimum a medium density development for this particular location.

Many of the homeowners we visited with had expressed concerns about the traffic that would be generated with the Koosman Addition and how close this development would be to N. Washington St. and the problems created with traffic during peak hours. With Colt Ave. being a secondary snow removal route it even magnifies this problem as even more homeowners use this road as an access route to N. Washington St. during the winter months which would certainly impact traffic and emergency services to this area.

Many of us are aware of the concerns the Fire Marshall had with regards to access points in and out of the proposed Evergreen Ridge Addition. This too has been a question and concern of the homeowners in this area as all of the traffic created from this location has only one road in and out generating a high volume of traffic onto Colt Ave. not only toward N. Washington St., but also west through the residential areas creating issues of safety. There are many families with young children in this area and this is certainly a cause of concern for the taxpayers west of this development.

The question I have with regards to this issue is, if an emergency access point is being considered onto Ash Coulee Dr., why can't a permanent access point be granted in the same location? My answer is in the August 28, 2013 staff report under the additional information item #5:

"The proposed subdivision does not include a roadway connection to Ash Coulee Dr. as such a roadway would be too close to the intersection of Ash Coulee Dr. and N. Washington Ave. and staff indicated they could not support it. A non-access line is included on the plat along the southern edge of Ash coulee Dr. to prohibit any access from this subdivision to Ash Coulee Dr."

If all the traffic from this development uses Colt Ave. as the only way in and out and with Colt Ave. being only 600 feet south of Ash Coulee Dr. could not the same statement be made as in item #5 about Colt Ave., especially since Colt Ave. is expected to take care of all of the traffic issues created with this development? This doesn't even consider the traffic that would be created by plats that are being considered with the property south of Colt Ave. in the same general location.

Medium to high density developments so close to N. Washington St. in this particular location are not appropriate land uses and are certainly a disservice to the taxpayers who use these streets as a regular access point to N. Washington St. for work, school and other services.

I feel that many of the homeowners in this area are aware of the fact that Bismarck is growing and we have to expect development. My concern with the PUD zoning district in this location is that it certainly does not fit in with the intent of a Planned Unit Development in Article 14-04-18 of the Bismarck Zoning Ordinances which states:

"It is the intent of this section to encourage flexibility in the development of land to promote its most appropriate use, to improve the design character and quality of new development, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic features of open space."

There is nothing in this Addition in the location that fulfills the intent of Article 14-04-18, in fact, the only reason that appears to be a reason for a PUD is non-compliance with zoning requirements for an R-5 or an R-10 zoning district in order to fit as many units in this location as possible to recover the costs of this property.

Many homeowners in this location received a letter from Red Door Homes, dated November 12, 2013, indicating that the cost of this property was one of the primary reasons as to why this dense of a development was being considered as an alternative to recover the cost of this property.

And also for the comment to be made that this particular location will not support twin homes that are priced over \$220,000, I believe is not accurate when I am confident that the appraised value of the twin homes close to the corner of N. Washington St. and Calgary Ave. would be considerably higher. What would not support a price higher than \$220,000 would be a development that is not in compliance with the City of Bismarck's Zoning Ordinances for an R-5 or R-10 zoning district, a development that doesn't consider the location of this property and its impact on traffic of the future development of this area, and the appearance of this location after development with undersized lots in a location where homes are sitting on large lots that are attractive and appealing to homeowners.

The price that was paid by developers for this property should NOT become the burden of the adjoining homeowners and taxpayers to the west, south, and east of this location to bear. None of us had anything to do with the negotiations or purchase of the property at the prices that were paid and to expect us as homeowners to bear the costs of these transactions with issues involving traffic, safety, and emergency services with a development that is certainly not appropriate for its location is a disservice to us as taxpayers of the City of Bismarck.

As homeowners we do not expect anything more than careful consideration be given to the development and zoning of this property because of its location to Ash Coulee Dr. and N. Washington St. We ask that you consider the area and zoning from Ash Coulee Dr. all the way down to Century Ave. and would this development really make sense with a PUD zoning district because of its location and what will more than likely become one of the higher traffic areas in Bismarck.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jeffrey K. Hofstad". The signature is written in a cursive, slightly slanted style.

Jeffrey K. Hofstad

DATE SELECTION 3/2014

Permit Type	***** City *****		***** ETA *****	
	Permits 3/2014	Valuation	Permits 3/2014	Valuation
SINGLE FAMILY DETACHED	15	2,813,540.13	20	3,725,555.00
SINGLE FAMILY ATTACHED	17	2,540,648.90	16	2,653,318.00
TWO UNIT	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00
FIVE & MORE FAMILY	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR. WALL	0	.00	0	.00
MANUFACTURED HOMES	0	.00	2	.00
MOBILE HOME WITHOUT EXTRA	3	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	2	.00	0	.00
HOTELS	0	.00	0	.00
MOTELS	0	.00	0	.00
GROUP QUARTERS	0	.00	0	.00
NON-STRUCTURAL DEVELOPMENT	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00
INDUSTRIAL	0	.00	2	727,010.00
RESEARCH & DEVELOPMENT	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00
OFFICE, BANK & PROFESSION	1	276,198.00	1	1,008,591.82
SCHOOLS AND EDUCATIONAL	0	.00	0	.00
COMM (RETAIL SALES)	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00
OTHER STRUCTURES	3	135,525.00	0	.00
PUBLIC BUILDING	0	.00	0	.00
ROOM ADDITIONS	1	11,088.00	0	.00
RESIDENTIAL GARAGES	8	94,272.00	2	26,624.00
PATIOS AND COVERS	1	1,300.00	2	4,695.00
SWIMMING POOLS AND SPAS	0	.00	0	.00
OTHER	5	2,500.00	3	7,483.00
HOME OCCUPATIONS	1	.00	1	.00
STORAGE SHEDS	1	1,800.00	0	.00
BASEMENT FINISH	14	166,193.75	24	115,101.00
INDUSTRIAL BUILDINGS	0	.00	3	294,200.00
COMMERCIAL BUILDINGS	4	125,233.00	3	316,701.00

PERMIT ACTIVITY REPORT - MTD

Permit Type	***** CILTY *****		DATE SELECTION		***** ETA *****	
	3/2014 Permits	3/2014 Valuation	3/2014 Permits	3/2014 Valuation	3/2014 Permits	3/2014 Valuation
OFFICE & PROFESSIONAL BLD	0	.00	4	510,732.00	0	.00
OTHER	1	5,475,698.52	4	299,705.00	0	.00
ALTER PUBLIC	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	1	.00	0	.00
OTHER	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00
NEW SIGN PERMIT	10	62,904.00	4	207,243.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00
Permit Type Total	87	11,706,901.30	92	9,896,958.82	3	59,855.00
					25	2,269,970.75

DATE SELECTION 3/2014

Permit Type	***** City *****		***** DATE SELECTION *****		***** ETA *****	
	Permits 3/2014	Permits 3/2013	Permits 3/2014	Permits 3/2013	Permits 3/2013	Permits 3/2013
Plumbing	40	49	1		9	
Electrical	75	98	0		0	
Mechanical	173	121	26		27	
Drain Field	0	0	0		2	
Hood Suppression	0	2	0		0	
SprinklerStandpipe	7	7	0		0	
Alarm Detection	3	0	0		0	
Total	298	277	27		38	

BIP140-1 4/01/2014

PERMIT ACTIVITY REPORT - MTD

DATE SELECTION 3/2014

Living Units	***** City *****			***** ETA *****		
	Units	3/2014	Units	3/2013	Units	3/2013
SINGLE FAMILY DETACHED	15		20	1	8	
SINGLE FAMILY ATTACHED	17		16	0	0	
MANUFACTURED HOMES	0		2	0	0	
MOBILE HOME WITHOUT EXTRA	2		0	0	0	
OTHER STRUCTURES	0		0	0	1	
ROOM ADDITIONS	1		0	0	0	
OTHER	1		1	0	0	
BASEMENT FINISH	4		0	1	0	
OTHER	85		0	0	0	
Total	125		39	2	9	

BIP140-X 4/01/2014

MAJOR PERMIT ACTIVITY OVER \$1,000,000

PAGE 5

PERMIT LOCATION

PERMIT NUMBER

DATE SELECTION 03/2014

OWNERS NAME
CONTRACTOR

VALUATION

CITY OF BISMARCK

2014-0000169

1100 E BOULEVARD

AV

RUTH MEIERS
MISSOURI RIVER CONTRACTING

5,475,698.52